

COMMUNIST PENETRATION OF RADIO FACILITIES

(CONELRAD—COMMUNICATIONS)
(PART 1)

HEARINGS

BEFORE THE

COMMITTEE ON UN-AMERICAN ACTIVITIES

HOUSE OF REPRESENTATIVES

EIGHTY-SIXTH CONGRESS

SECOND SESSION

AUGUST 23 AND 24, 1960

Printed for the use of the Committee on Un-American Activities

INCLUDING INDEX

U. S. GOVERNMENT
PRINTING OFFICE
WASHINGTON, D. C.
1960



UNITED STATES
GOVERNMENT PRINTING OFFICE
WASHINGTON : 1960

COMMITTEE ON UN-AMERICAN ACTIVITIES

UNITED STATES HOUSE OF REPRESENTATIVES

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PUBLIC LAW 601, 79TH CONGRESS

The legislation under which the House Committee on Un-American Activities operates is Public Law 601, 79th Congress [1946]; 60 Stat. 812, which provides:

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, * * **

PART 2—RULES OF THE HOUSE OF REPRESENTATIVES

RULE X

SEC. 121 STANDING COMMITTEES

- * * * * *
- 17 Committee on Un-American Activities, to consist of nine Members.

RULE XI

POWERS AND DUTIES OF COMMITTEES

- * * * * *
- (q) (1) Committee on Un-American Activities.
(A) Un-American activities.

(2) The Committee on Un-American Activities, as a whole or by subcommittee, is authorized to make from time to time investigations of (i) the extent, character, and objects of un-American propaganda activities in the United States, (ii) the diffusion within the United States of subversive and un-American propaganda that is instigated from foreign countries or of a domestic origin and attacks the principle of the form of government as guaranteed by our Constitution, and (iii) all other questions in relation thereto that would aid Congress in any necessary remedial legislation.

The Committee on Un-American Activities shall report to the House (or to the Clerk of the House if the House is not in session) the results of any such investigation, together with such recommendations as it deems advisable.

For the purpose of any such investigation, the Committee on Un-American Activities, or any subcommittee thereof, is authorized to sit and act at such times and places within the United States, whether or not the House is sitting, has recessed, or has adjourned, to hold such hearings, to require the attendance of such witnesses and the production of such books, papers, and documents, and to take such testimony, as it deems necessary. Subpenas may be issued under the signature of the chairman of the committee or any subcommittee, or by any member designated by any such chairman, and may be served by any person designated by any such chairman or member.

* * * * *

RULE XII

LEGISLATIVE OVERSIGHT BY STANDING COMMITTEES

SEC 136. To assist the Congress in appraising the administration of the laws and in developing such amendments or related legislation as it may deem necessary, each standing committee of the Senate and the House of Representatives shall exercise continuous watchfulness of the execution by the administrative agencies concerned of any laws, the subject matter of which is within the jurisdiction of such committee; and, for that purpose, shall study all pertinent reports and data submitted to the Congress by the agencies in the executive branch of the Government.

RULES ADOPTED BY THE 86TH CONGRESS

House Resolution 7, January 7, 1959

* * * * *

RULE X

STANDING COMMITTEES

1. There shall be elected by the House, at the commencement of each Congress,

* * * * *

(q) Committee on Un-American Activities, to consist of nine Members.

* * * * *

RULE XI

POWERS AND DUTIES OF COMMITTEES

* * * * *

18. Committee on Un-American Activities.

(a) Un-American activities.

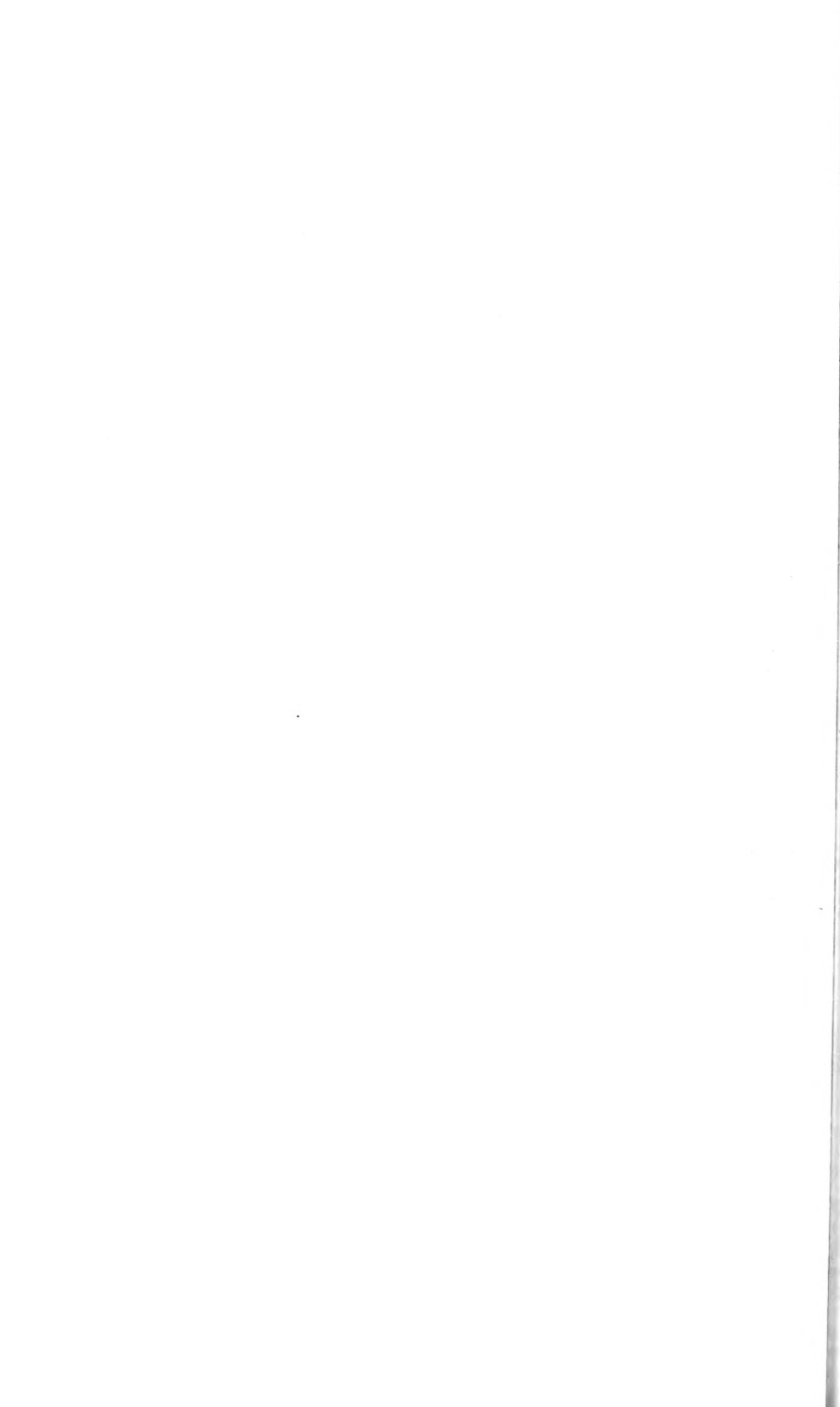
(b) The Committee on Un-American Activities, as a whole or by subcommittee, is authorized to make from time to time investigations of (1) the extent, character, and objects of un-American propaganda activities in the United States, (2) the diffusion within the United States of subversive and un-American propaganda that is instigated from foreign countries or of a domestic origin and attacks the principle of the form of government as guaranteed by our Constitution, and (3) all other questions in relation thereto that would aid Congress in any necessary remedial legislation.

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* * * * *

26. To assist the House in appraising the administration of the laws and in developing such amendments or related legislation as it may deem necessary, each standing committee of the House shall exercise continuous watchfulness of the execution by the administrative agencies concerned of any laws, the subject matter of which is within the jurisdiction of such committee; and, for that purpose, shall study all pertinent reports and data submitted to the House by the agencies in the executive branch of the Government.



SYNOPSIS

In opening the instant hearings, the chairman pointed out that they were designed to develop information pertinent to H.R. 12852, a bill he had introduced to cope with Communist infiltration of the radio communications field. This bill would bar issuance, and provide for the revocation, of operators' licenses in the cases of persons who refused to answer questions concerning Communist activities before certain designated Federal agencies.

The recent decision of the United States Court of Appeals for the District of Columbia in the case of *Borrow v. Federal Communications Commission*, the chairman said, had upheld the FCC in its denial of a license renewal to a man who had refused to state whether or not he was a member of the Communist Party. He also pointed out, however, that this decision did not apply to persons who were holders of licenses as distinct from applicants.

Robert E. Lee, a Commissioner of the Federal Communications Commission, testified that the FCC has the responsibility of determining whether or not, in the public interest, a license should be issued to any person in this country (except a Government or military employee) who applies for permission to operate a transmitter of any kind. There are presently about 2½ million people, he said, who have transmitting licenses of one kind or another.

CONELRAD, which means CONTROL of ELECTROMAGNETIC RADIATION, Mr. Lee testified, had been developed by the FCC at the request of the military and civil defense officials. The military had asked for some means of denying radiation from any transmitter which would, under attack conditions, provide navigational aid (a homing signal) to an enemy. Civil defense authorities, on the other hand, had requested the FCC to devise some means of communication to the public under attack conditions.

CONELRAD, proposed by the FCC as a means of filling these two contrasting needs, Mr. Lee said, is a compromise system, not perfect for either purpose, but at present the only practicable solution to the problem.

Under this system, in the event of enemy attack, some 1,300 stations in the United States will either go off the air or shift to frequencies of 640 or 1240 on a signal from the North American Air Defense Command. The latter will reduce their power and will not identify their location. All other transmitters, except those of very short range which will be used for police work and other vital communication needs, will go off the air.

Mr. Lee stated that CONELRAD is a must for national defense and for protection against interference with the operation of U.S. defensive and offensive missiles in the event of an enemy attack.

Any station, he said, which stayed on the air without shifting to the two designated frequencies, would provide a navigational aid to enemy aircraft. An operator of a transmitter who stayed on the air could also give intelligence information to the enemy or transmit subversive information to the listening public. He also said that, at the present time, a Communist who transmitted a signal after the CONELRAD system had gone into effect could adversely affect this country's defense system.

When asked if he was apprehensive concerning Communist attempts to penetrate communications facilities, Mr. Lee replied: "I certainly am * * * and always have been."

Frank M. Kratokvil, Assistant Chief of the Field Engineering and Monitoring Bureau, FCC, testified that Murray Goldberg, Philip Douglas Boothroyd, Harold O. Townsend, Stanley Blumenthal, David Jay Gould, and Wayne P. Paschal—all witnesses subpoenaed to testify in the hearing—had recently held, or had applied for renewals of, licenses to operate transmitting equipment through which the CONELRAD warning system could be adversely affected.

Mr. Lee said that under the decision in the Borrow case, the FCC now has power to deny an operator's license to any applicant who refuses to answer questions about Communist Party membership. However, he pointed out that this ruling did not give the FCC the power to deny a license in the event an applicant admitted Communist Party membership (in which case a hearing would have to be held), nor to deny a license if an applicant lied and said he was not a Communist Party member when the FCC had a witness who had identified him as such. He also pointed out that this court ruling did not give the FCC the power to revoke the license of a person who joined the Communist Party after obtaining a license.

The FCC, he said, sometimes receives confidential derogatory information from another Government agency concerning a current license holder. When the time comes for renewal of this person's license, the FCC has to consider whether or not it will be able to prove its case against the licensee in the hearing which must be granted prior to denial of a license renewal. Often, for security reasons, a witness cannot be produced for this hearing. The FCC then has no choice but to renew the license.

Mr. Lee said that, in spite of the ruling in the Borrow case, the FCC has no specific legal authorization for sending a questionnaire concerning Communist Party activity to persons who apply for renewal of their licenses and that the FCC has been able to deny renewals in only a few instances.

It was his personal judgment, he said, that H.R. 12852 would be "a useful tool" in attempting to preclude Communists from access to communications facilities.

Michael Mignon, a representative of the AFL-CIO Communications Workers of America who had once been a member of the Communist Party and had previously appeared before the committee as a cooperative witness, testified that, in his opinion, a Communist Party member who had access to communications facilities "would not hesitate at all" to sabotage CONELRAD.

"I have no doubt in my mind," he said, that any member of the Communist Party, in the event of war or an attack on the United

States, "would do all possible to aid the enemy of our country." He also testified that it was the belief of his union and his personal belief that "there is no room for a member of the Communist Party in the communications industry."

He stated that, while a member of the Communist Party, he had known Philip D. Boothroyd as a Communist.

Philip D. Boothroyd, of Sparta, New Jersey, testified that he held a temporary FCC permit to operate shipboard and broadcasting equipment, pending action on renewal of his expired first-class radio-telephone broadcast license.

Boothroyd invoked the fifth amendment in refusing to say where he had worked in the broadcasting industry, where he is now employed, and whether or not he was presently a member of the Communist Party. He admitted having known Michael Mignon, but again invoked the fifth amendment in refusing to state whether Mignon's identification of him as a member of the Communist Party was correct or in error.

Wayne P. Paschal, of Issaquah, Washington, testified that he had been a radio and TV repairman for 6 years, had held first- and second-class radio-telegraph operator's licenses and also an amateur radio license in the past, now operates an amateur radio station which has a normal range of about 300 miles, and is licensed by the FCC to operate any type of radio-telegraph equipment.

He invoked the fifth amendment when asked if he was presently a member of the Communist Party, if previous identification of him as such by Barbara Hartle in 1954 was correct or in error, and if he had revealed present or past Communist Party membership to the FCC when he had obtained his license.

Stanley Blumenthal, of Brooklyn, New York, invoked the fifth amendment when asked his occupation, how long he had been engaged in it, if he had ever applied to the FCC for a radio operator's license, if he was now a member of the Communist Party, and if he would give any information concerning the Communist Party to the committee.

Harold O. Townsend, of Bay Shore, New York, invoked the fifth amendment when questioned concerning his occupation and present employment and when asked if he held an FCC radio operator's license and whether he was a Communist Party member at "this instant."

Murray Goldberg, of Syracuse, New York, invoked the fifth amendment when asked his occupation, whether or not he held a radio operator's license, and if he was "this instant" a member of the Communist Party.

David Jay Gould, of West Hempstead, New York, testified that he was an audio engineer employed by the National Broadcasting Company, but that he did not presently have an FCC license nor access to transmitting equipment—although he had had both in the past.

He invoked the fifth amendment when asked if he was presently or had ever in the past been a member of the Communist Party, if he had information on Communist Party activities to give to the committee, and if members of his union were Communist Party members.

Major Dow E. Evelyn, of the Office of Directorate of Operations, Headquarters, U.S. Air Force, testified that the Air Force considered

CONELRAD as "important" in denying navigational aid to enemy aircraft and/or air-breathing missiles which require an outside reference point to locate their position.

He said that in the event of enemy attack, a Communist with access to transmitting equipment "could continue to broadcast either in a normal manner, identifying himself by call letters or location, or he could issue specific instructions to that attack force."

Major Evelyn also stated that if a Communist possessed certain type equipment, he could adversely affect not only CONELRAD, but this country's defense radar operation and certain other electronic defense mechanisms. Based on his own knowledge of these electronic systems, radar, and CONELRAD, he said that Communists with operators' licenses "could wreak havoc on the defense system if they were so inclined."

In response to questioning, he pointed out that they could do this because radar can be blinded by the transmission of "false or spurious or masking signals" and that the same applied to other electronic devices. He said that any person who did not obey CONELRAD and shift to the predesignated frequencies on signal would "give aid to an enemy by the very fact that he remained on the air; more so, if he identified himself, his geographical location, or his call letters."

Another danger, Major Evelyn pointed out, was that such a person "could give false or misleading instructions to the civil populace, thereby causing panic."

He testified that the Air Force had no power to cause the removal of Communists who had access to radio transmitters.

Wilson McMakin, vice president, director of industrial relations, and personnel security officer of the Mackay Radio and Telegraph Company, the Commercial Cable Company, All America Cables and Radio, Inc., and Globe Wireless, Ltd.—all of which are subsidiaries of American Cable and Radio Corporation—was the next witness.

Mr. McMakin testified that these four companies operate radio-telegraph and submarine cable telegraph circuits to and from most countries of the world, including the Soviet Union and other nations behind the Iron Curtain. He said that international traffic of all kinds goes over these lines, the circuits being used by the Armed Forces, the Department of State, and firms with defense contracts, and that technicians working on these transmitters have access to all types of information and can copy coded messages.

In addition, he stated, the four companies operate public coastal radio stations on the Atlantic, Gulf, and Pacific Coasts, which are in constant communication with all ships at sea. Operators handling the messages at these stations know the location of every ship on every ocean. It is easy, he said, to see the danger posed by a subversive holding such a position in time of a national emergency.

Mr. McMakin stated that it was his belief that the possibility of sabotage in the communications area was the "greatest danger to national defense":

Trained saboteurs planted throughout the communications companies' facilities could cause a breakdown of such facilities * * *.

It would be a simple matter for such employees to cripple communications by damaging delicate and complex equipment used in modern methods of transmission.

He said that his companies endorsed H.R. 12852—

as an important means to help prevent the deliberate placement of the saboteur and the spy in critical locations throughout an industry as vital to the national defense as international communications.

Joseph F. Keating, vice president in charge of programs and operations of the Mutual Broadcasting System, testified that that system served 440 radio stations in the United States, Guam, and the Virgin Islands. After stating that the president of the Mutual System, Robert F. Hurleigh, had seen and approved his statement, Mr. Keating testified:

* * * it seems obvious to us that Communist agents or sympathizers, placed in vital areas, could play havoc with this system under CONELRAD. The emergency broadcast system's success depends upon the collaboration of every station involved, including, I might add, even amateur radio stations.

I emphasize, Mr. Chairman, that only a few persons could cause this damage and destruction * * *.

He also testified to—

the need, in our opinion, of practical and effective legislation to safeguard the American free radio system from sabotage at the hands of Communists or Communist agents.



COMMUNIST PENETRATION OF RADIO FACILITIES
(CONELRAD—COMMUNICATIONS)
(PART 1)

TUESDAY, AUGUST 23, 1960

UNITED STATES HOUSE OF REPRESENTATIVES,
COMMITTEE ON UN-AMERICAN ACTIVITIES,
Washington, D.C.

PUBLIC HEARINGS

The Committee on Un-American Activities met, pursuant to call, at 10:10 a.m. in the Caucus Room, Old House Office Building, Washington, D.C., Hon. Francis E. Walter (chairman) presiding.

Committee members present: Francis E. Walter, of Pennsylvania; Morgan M. Moulder, of Missouri; Clyde Doyle, of California; William M. Tuck, of Virginia; Gordon H. Scherer, of Ohio; and August E. Johansen, of Michigan. (Appearances as noted.)

Staff members present: Richard Arens, staff director, and Louis J. Russell, investigator.

The CHAIRMAN. The hearing will be in order.

(Members of the committee present at time of convening: Representatives Walter, Doyle, Tuck, and Johansen.)

The CHAIRMAN. The hearings which are beginning today are on H.R. 12852, which I introduced on June 28, to cope with a situation which is similar to the situation revealed to exist in regard to Communist activities among seamen.

H.R. 12852 to amend the Subversive Activities Control Act of 1950, is designed to cope with Communist infiltration in the field of radio communications. It prohibits the issuance of a radio operator's license to any individual who wilfully fails or refuses to answer certain questions relating to Communist activities when summoned to appear before designated Federal agencies and provides for the revocation of a license which may be or may have been issued to any such individual.

Let there now be inserted in the body of this record the text of the bill H.R. 12852.

(H.R. 12852 follows.)

86TH CONGRESS
2D SESSION

H. R. 12852

IN THE HOUSE OF REPRESENTATIVES

JUNE 28, 1960

Mr. WALTER introduced the following bill; which was referred to the Committee on Un-American Activities

A BILL

To amend the Subversive Activities Control Act of 1950 so as to prohibit the licensing of certain individuals as station operators of certain communication facilities, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That the Subversive Activities Control Act of 1950 is
4 amended by redesignating section 32 as section 33 and by
5 inserting, immediately after section 31, the following new
6 section:

I

2

1 "AMENDING COMMUNICATIONS ACT OF 1934

2 "SEC. 32. The Communications Act of 1934 is amended
3 by inserting immediately after section 303 the following
4 new section:

5 "DENIAL AND REVOCATION OF OPERATOR'S LICENSES IN
6 CERTAIN CASES

7 "SEC. 303A. (a) The Commission shall not issue an
8 operator's license to any individual who willfully fails or
9 refuses to appear before any Federal agency, when sub-
10 penaed or ordered to appear, or to answer under oath before
11 such Federal agency any question concerning—

12 "(1) the membership of such individual, or any
13 other individual, in the Communist Party,

14 "(2) the activities of such individual, or any other
15 individual, as a member of the Communist Party, or

16 "(3) the participation of such individual, or any
17 other individual, in activities conducted by or under
18 the direction of the Communist Party or any member
19 thereof.

20 In any case in which any individual who holds such a
21 license shall willfully fail or refuse to appear, or to answer
22 questions, under the circumstances described in the first
23 sentence of this subsection, the Commission shall revoke such
24 license.

3

- 1 “(b) As used in this section—
2 “(1) the term “Communist Party” means the
3 Communist Party of the United States, or any succes-
4 sors of such party regardless of the assumed name,
5 whose object or purpose is to overthrow the Govern-
6 ment of the United States, or the government of any
7 State, District, Commonwealth, or possession thereof,
8 or the government of any political subdivision therein,
9 by force and violence, and includes subsidiary organ-
10 izations of such party; and
11 “(2) the term “Federal agency” means any de-
12 partment, independent establishment, or other agency
13 or instrumentality of the executive branch of the Govern-
14 ment of the United States, and any congressional com-
15 mittee or subcommittee.”
16 Sec. 2. The amendments made by the first section of
17 this Act shall take effect on the thirtieth day after the date
18 of enactment of this Act.

The CHAIRMAN. May I say that both the bill to cope with Communist activities among seamen—H.R. 11580—and the bill which is the subject of the present hearings dealing with Communists in the radio communications field—H.R. 12852—are patterned after a California statute which was held valid by the United States Supreme Court in the case of *Nelson and Globe versus County of Los Angeles*, decided February 29, 1960, in which the court sustained the validity of a provision of the California statute providing for the dismissal of any public employee who, when summoned before an appropriate government agency, refuses to give information of which he is possessed on communism and other subversive activities.

Shortly after I introduced H.R. 12852, which we are now considering, the United States Court of Appeals for the District of Columbia issued its decision in the case of *Borrow versus Federal Communications Commission*.

In this case Borrow was an applicant for the renewal of a radio operator's license. In connection with the renewal application he was asked by the Federal Communications Commission certain questions respecting Communist Party membership, but he refused to answer them on the ground that the commission had no legal authority to require answers to these questions as a prerequisite to renewal of his license.

I will ask Mr. Doyle to complete the reading of this statement.

Mr. DOYLE. The court held that under the Communications Act it was proper for the commission to ask the questions of the applicant and that his refusal to answer the questions was a sufficient basis upon which the commission could dismiss his application.

While the majority opinion of the Court of Appeals in this case reveals an encouraging trend toward a recognition of the facts as to the nature of the Communist conspiracy and of the threat which Communists pose in such a vital area as radio communications, the Borrow case does not deal with holders of operators' licenses as distinct from applicants.

Therefore, it appears that in addition to the law as pronounced in the Borrow case, legislation is needed in this field.

I shall not at this time attempt to detail the threat to our internal security which can be posed by Communists with access to radio communications facilities. In this day of guided missiles, radio alerts, directional signals, and various electronic devices which govern communications and the dissemination of public information, it should be obvious to anyone that precautions must be taken to preclude access by Communists to our radio communications facilities.

We shall, accordingly, explore various factual situations in which persons we have reason to believe are, or in the recent past have been, members of the Communist Party have access to radio communications facilities. This exploration will be for the purpose of attempting to elicit factual information to assist this committee in its appraisal of the legislation.

I have just concluded your statement, Mr. Chairman.

The CHAIRMAN. Thank you.

Call your first witness.

Mr. ARENS. Mr. Chairman, if you please, the first witness will be Commissioner Robert E. Lee of the Federal Communications Commission, accompanied by certain of his associates on the commission staff who will assist him in his testimony.

Gentlemen, will you kindly rise while the chairman administers an oath?

The CHAIRMAN. Please raise your right hands.

Do you swear that the testimony you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. LEE. I do.

Mr. MILLER. I do.

Mr. HOLTZ. I do.

Mr. ESCOLA. I do.

TESTIMONY OF ROBERT E. LEE, COMMISSIONER, FEDERAL COMMUNICATIONS COMMISSION; EDGAR W. HOLTZ, ASSOCIATE GENERAL COUNSEL; CHARLES R. ESCOLA, ASSISTANT GENERAL COUNSEL; AND KENNETH W. MILLER, U.S. SUPERVISOR, CONELRAD; ACCOMPANIED BY FRANK M. KRATOKVIL, ASSISTANT CHIEF, FIELD ENGINEERING AND MONITORING BUREAU

Mr. ARENS. Commissioner Lee, kindly identify yourself by full name, and occupation. Then I shall ask, beginning with the gentleman on your far right, for your associates to identify themselves by name and occupation.

Mr. LEE. I am Robert E. Lee. I entered Federal service in 1938 as a special agent of the Federal Bureau of Investigation. Subsequently I was research director for the House Appropriations Committee here on the Hill for six or seven years and was appointed to the Federal Communications Commission by President Eisenhower in October 1953, and reappointed this year, and gratefully reconfirmed as Commissioner.

Mr. ARENS. Now, will you kindly identify yourself and give us a word about your occupation?

Mr. ESCOLA. I am Charles R. Escola, assistant general counsel, Federal Communications Commission.

Mr. ARENS. Will you do likewise?

Mr. HOLTZ. I am Edgar W. Holtz. I am the associate general counsel of the commission, at the present time acting general counsel during this period.

Mr. MILLER. My name is Kenneth W. Miller. I am the U.S. Supervisor of CONELRAD, Office of the Chief Engineer.

Mr. ARENS. Gentlemen, may I respectfully suggest, if it meets with the pleasure of the committee, that, as I pose questions, the individual who is equipped, because of his particular status with the Federal Communications Commission, give the response. In that way we can cover the subject matter, I believe, more efficiently.

As a point of departure in our inquiry, may I ask if you will kindly give us a word about the power, duty, and jurisdiction of the FCC?

Mr. LEE. By way of background, I would like to say that I do not have a prepared statement. I do, however, have an excerpt of a statement that was prepared for our annual report concerning the defense activities of the FCC.

Mr. ARENS. Would you kindly summarize it in this presentation, and then if it meets with the pleasure of the chairman, we will cause that document which you now have to be incorporated in this record.

Mr. LEE. Yes; I will be happy to do it.

(The Federal Communications Commission material referred to above follows:)

NATIONAL DEFENSE

DELEGATION OF EMERGENCY POWERS

In time of war or other national emergency the President, under section 606 of the Communications Act, has certain powers to deal with wire and radio communication and devices capable of radiation which could be used as "homing" beams to guide enemy aircraft and missiles.

This authority covers closure or utilization of facilities in such an emergency; establishment of priorities for essential communications, and employment of the Armed Forces to protect communication facilities. Severe penalties are prescribed for convicted violators.

Since 1951 the FCC, under Presidential directive, has established and enforced regulations concerning electromagnetic radiation from noncommunication devices.

CONELRAD

CONELRAD is a code word meaning CONTROL of ELECTromagnetic RADIation. It is a voluntary program prepared at the request and with the cooperation of the Department of Defense and the Office of Civil and Defense Mobilization. In addition to minimizing the navigational aid an enemy might obtain from radio emissions, it encompasses a variety of classified projects. It seeks to mobilize, for emergency purposes, the entire non-Government non-military communications industry at no capital cost to the taxpayer.

CONELRAD plans have been completed and implemented for the majority of the radio services authorized by the Commission.

These plans establish means for dissemination of the CONELRAD radio alert to all radio stations. Upon notification of a CONELRAD radio alert, all AM, FM and TV stations leave the air after making a short announcement. Certain designated AM stations return to the air and broadcast civil defense messages and other pertinent information on the emergency broadcast frequencies of 640 and 1240 kilocycles. Stations in other radio services whose operation is essential to the national safety or the safety of life and property are permitted to operate in a controlled manner. All others must remain silent until the CONELRAD radio all clear has been issued.

The CONELRAD radio alert is invoked by the Commander-in-Chief, North American Air Defense Command, and is transmitted to certain designated key broadcast stations which in turn broadcast the CONELRAD attention signal

and follow it immediately with the alert message. All other broadcast stations, as well as stations in other radio services, are required to monitor a key broadcast station in order to receive the alert message and thereafter comply with prescribed procedure.

A new instantaneous nationwide CONELRAD alerting system is under development which will provide a "hard copy" teletype record. It is proposed to utilize the teletype circuits that are presently used to supply news to broadcast stations.

The Commission, in cooperation with the U.S. Air Force and the U.S. Weather Bureau, has put the CONELRAD alerting system to an important peacetime use in addition to its national defense purpose. In the event of a threat by the elements to life and property, the local weather bureau advises certain cooperating broadcast stations which, in turn, broadcast the attention signal and the weather bureau advisory notice. This is done on the station's normal frequency.

Mr. ARENS. I see another gentleman from your staff has joined you. I wonder if he would identify himself by name and occupation on this record.

Mr. KRATOKVIL. I am Frank M. Kratokvil, assistant chief of the Field Engineering Bureau, the field operating arm of the commission.

Mr. ARENS. Thank you.

Would you kindly, Mr. Lee, give us a quick summary or a brief summary, I should say, of the power, duty, and jurisdiction of the FCC, with particular emphasis upon the phase of its jurisdiction, power, and activity in connection with national defense and the CONELRAD system?

Mr. LEE. Yes. By way of background, I would like to say that my remarks here today will have to necessarily reflect somewhat of a personal opinion, rather than a position of the commission. Traditionally, the commission has recessed during the month of August and traditionally I have been elected to stay and keep store.

So with respect to your bill, I will be very happy to present my opinion, and I think it probably will reflect the opinion of the commission. We have not had an opportunity to process this through our regular process so that the seven commissioners could vote on a position.

With respect to the Federal Communications Commission, we were created actually in 1934, which was an enlargement of an act of 1927 that created what was then known as the Federal Radio Commission, to regulate radio.

Radio, as you know, came on the scene rather suddenly and in those days people just put up an antenna and receiving equipment and whatnot and went in business, and soon this matter of interference became a very serious one. This old Federal Radio Commission was created to police the airways, in effect.

There were certain functions of other agencies incorporated, in effect, into this act, which was passed in 1934. It has been amended in minor detail from time to time, but briefly, its purpose is to regulate interstate and foreign commerce in communications by wire and radio.

In that connection, we do have and are required under the act to take into consideration the national defense. One section of the act, section 606(c), permits the President in time of emergency to take over communications. So I think the problem, perhaps, facing this committee would be in that area prior to the time that the President took over communications, as he can, under emergency powers.

Our activities in the defense field, actually, in peacetime, are not too extensive, with the exception of the CONELRAD system.

Mr. ARENS. I would like, before you get to the CONELRAD system, Commissioner Lee, to ask you if the FCC engages in licensing of radio operators and others who have access to, and who operate, communications equipment in this Nation.

Mr. LEE. Yes. We license every transmitter, that is, the operator of any transmitter, in the non-military, non-Government field. Our area does not cover those portions of the spectrum assigned to the military or to the Government.

Every other operator must apply to us for a license and must meet certain public interest standards, and we must make the finding that the issuance of this license is in the public interest. There are some two and one-half million of these, by the way.

The CHAIRMAN. Two and a half million licenses?

Mr. LEE. Yes, sir. You see, when people are talking about the FCC, they very often think in terms of broadcasting only, which is a relatively small part of our job. There are amateurs, police, conservation, every airplane, every ship, and so on, which has an operator. This adds up to roughly two and one-half million licenses.

Mr. ARENS. Give us, please, a word about the general categories of licensees, the duration of their license and the prerequisites in general to obtaining a license.

(At this point Representative Moulder entered the hearing room.)

Mr. LEE. The general prerequisite to obtaining a license is to meet certain technical standards that will vary by the class of license and in every case—and counsel will correct me if I am wrong—a public interest finding that the issuance of the license would serve the public interest, convenience, and necessity.

In the broadcast field, these licenses, by statute, may be issued for a period not to exceed three years. It has been the practice in this field to issue these licenses for three years, although we are currently revising this procedure to permit licenses of less than three years in those cases where there is some questionable operation with respect to their facility.

The CHAIRMAN. May I interrupt at that point?

Suppose there is something questionable. Is a hearing then held on the question of whether or not there ought to be an extension or a revocation?

Mr. LEE. As the act has been interpreted through the years, in the broadcast field our only punitive measure has been revocation. As a result of some of the hearings before the Legislative Oversight Committee, which Mr. Moulder is concerned with, we have about decided that rather than have this life-and-death power of revocation, perhaps something less than a full license period would be a punishment, let us say, without really killing it, depending upon the grievousness of the offense.

But in every case, I might add, we are governed by the Administrative Procedures Act. We may not deny a man a license, we may not revoke his license, without a full hearing.

Mr. ARENS. Will you kindly give us a broad summary of the CONELRAD system and the extent to which FCC participates in its operation?

Mr. LEE. CONELRAD is a contraction of the term "Control of Electromagnetic Radiation."

Somewhat before my time, perhaps somewhere around 1950, I think actually as a result of the Korean war, the military came up with a requirement that, in effect, would deny any radiation from any transmitter under attack conditions, on the theory that this would provide navigational aid to an enemy who could home in on this particular signal.

At the same time, the Office of Civil Defense said that this is complete and utter nonsense; this is the very time that people need communications to the public. They are going to rely on radio for information under attack conditions and they could not agree with that.

The then President Truman sent an Executive Order to the Federal Communications Commission as the expert body in this field and said that the Air Force on one hand "wants you to keep everything shut down. The Federal Civil Defense, on the other hand, wants an avenue to communicate with people. You must find the answer to both of these divergent views."

I am careful to point out that in this area we, that is, the FCC, do not exercise any military judgment. If somebody says to me that CONELRAD is no longer necessary in view of the high-speed aircraft and the age of guided missiles, I say that this is not for me to determine, because this has been a decision of the Department of Defense, who says that this is a military requirement.

Therefore, we are trying to meet it as technicians. By the same token, Civil Defense may say that they have a policy of evacuation in certain areas or shelters in certain others. I do not argue the merits, even though I may have an opinion. I say that this is a requirement, that we must try to help them as technicians.

So our boys, our engineers, designed what to me is a very clever—really a compromise between these two requirements that became known as the CONELRAD system which we now refer to as emergency broadcasting.

Briefly, and we have technical people here who could give you all the details you need that I wouldn't be familiar with, but briefly it means that we have set aside two frequencies, 640 and 1240, for use under attack conditions. All other stations go off the air, and by all other stations I go beyond broadcasting stations. We have a plan for other services.

Depending on their priority and need, of course, some of them must stay on the air, such as short range, point-to-point police, for example. But all through the spectrum, the objective is to deny radiation as much as possible and still meet very vital requirements.

These stations that are on the air in this prearranged engineered system broadcast on 640 and 1240 kilocycles and are not permitted to identify their location. Their power is reduced and they broadcast only civil defense information.

This particular system, and that is a very thumbnail sketch of it, has been acceptable, reluctantly, I might add, to both the Air Force and to Civil Defense as meeting the requirements of both with perhaps a built-in calculated risk to both.

Mr. ARENS. How many stations participate in CONELRAD and how many radio operators participate in CONELRAD?

Mr. LEE. There are approximately 1,300 stations participating in CONELRAD, and I assume there would be one—well, it would de-

pend on the shifts. You might have as many as 4,500 radio operators involved.

Mr. ARENS. Does CONELRAD also contemplate that the operators of radio equipment who are not connected with a commercial station should likewise stay off the air in the event of an attack and the signal being emanated through CONELRAD?

Mr. LEE. There is a plan for each service. For example, in the amateur band they are required to go off the air except for a particular group that has developed a system that they refer to as RACES, to exchange information between civil defense points. They are certain specific ones who participate in this need.

Mr. ARENS. But is it true that generally speaking the individual radio operator is obliged under the CONELRAD system at a given signal to be absolutely silent in his transmissions?

Mr. LEE. Generally speaking, that is true, at a signal from the North American Air Defense Command.

Mr. ARENS. And does CONELRAD blanket the entire continent?

Mr. LEE. It does.

Mr. ARENS. Can you give us, roughly, the approximate cost of this system?

Mr. LEE. This is a voluntary system on the part of the industry, and I think they are to be commended for it. We may, under our act, take people off the air, but we may not tell them what to do on the air, so to that extent it is voluntary. There have been no funds made available.

In the nature of the annual tests that we have, what it amounts to is loss of air time for 30 minutes on the part of all radio and TV stations. I suppose this would—I do not think we have ever had a very precise figure. It might run \$300,000 or \$400,000 a year.

Mr. ARENS. Is CONELRAD regarded by the defense authorities, and those persons who are in the defense program, as a vital operation in the defense of this Nation?

Mr. LEE. I think I have said this publicly and I do not think I am violating any security.

We asked them to re-evaluate this in view of the high-speed aircraft, modern aircraft and guided missile age and whatnot, in March of 1959. We were advised for the foreseeable future that the CONELRAD system is a military requirement, a military must, not only for the reasons of denial of navigational aid, but even such things as possible interference to our own offensive and defensive guided missiles.

Mr. ARENS. Gentlemen, will whoever is equipped tell this committee how a Communist radio operator, disposed to wreak havoc with the CONELRAD system, by disobeying the orders or doing something of a subversive nature to destroy the effectiveness of CONELRAD, could accomplish that objective?

Mr. LEE. Let's talk first about right this minute. A station which remained on the air under attack conditions could provide navigational aid to approaching aircraft. An operator who stayed on the air and put out subversive information or even intelligence to the enemy could be a risk.

We have electronic matters under study, the details of which are classified and I could not even explain them to you if they were not, that would, in the near future, we think, control this particular sort of thing.

But as of this moment, anyone staying on the air, whether he be a Communist or not, would render navigational aid to approaching aircraft.

Mr. ARENS. If I trespass on something that may be in a classified area, of course, I don't want you to respond.

Is it the understanding of the FCC that there are now in the offing certain electronic devices which would be, in the event of a shooting war, beamed into the atmosphere so as to distort the channel or path of hostile weapons destined to the big cities of this Nation?

Mr. LEE. You sound like a West Pointer. I will ask Kenny Miller to answer that.

Mr. MILLER. Yes.

Mr. LEE. The answer is yes.

Mr. ARENS. Without pursuing this thing further, except in generalities, is it within the realm of probability that a Communist, seeking to destroy the effectiveness of this electronic program defending this Nation against possible assault from missiles could, by sending out electronic signals from a radio device, adversely affect the defense mechanism of the program?

Mr. LEE. I think our answer to that would be "Yes" at this moment.

Mr. MILLER. It is a rather broad question. The question is very broad.

Mr. ARENS. I did not want to get too specific. As you gentlemen know, we have been in private session.

Mr. MILLER. To get to the specific details of the question you ask is getting into classified areas. In part the answer is "Yes."

Mr. ARENS. Then before we get into the specifics of Communist attempts to penetrate the communications facilities, which we will explore in a few moments, are you gentlemen, based upon your technical knowledge and your understanding of the extent and purposes of the CONELRAD system, presently apprehensive over attempts by Communists to penetrate communications facilities of this Nation?

Mr. LEE. I certainly am, Mr. Arens, and always have been, and even beyond the technical end.

Mr. ARENS. Now, sir, I would like to lead into some specific cases, if you please.

There are under subpoena to appear before this committee certain individuals who we have reason to believe are now, or in the recent past have been, members of the Communist Party and who either now, or in the recent past, have procured from the FCC radio operators' licenses.

I should like, from the standpoint of laying a foundation upon which to proceed further, to ask you respecting each of several persons, as to whether or not these individuals have procured Federal Communications licenses, and are now, or in the recent past have been, radio operators.

Do your records show that a person by the name of Wayne P. Paschal has procured a radio operator's license via the FCC?

Mr. LEE. Mr. Kratokvil will respond to that.

Mr. KRATOKVIL. Yes, sir; the gentleman has procured two particular classes of licenses.

Mr. ARENS. If it is important to our inquiry, we would have to defer to your own evaluation. You might tell us in more detail. I don't

want to burden the record with detail that is not germane to the fundamental theme we have.

Mr. KRATOKVIL. He holds a radio-telegraph first-class operator's license issued August 3, 1956, valid for a period of 5 years.

Mr. ARENS. With the license that he was issued, what would be the nature of the function which he performs or could perform pursuant to the license?

Mr. KRATOKVIL. He could operate on any ship, radio station in the United States, he could operate an aircraft, he could operate in a zone police radio station, he could operate in any system that employs telegraphy.

Mr. ARENS. You heard the prior discussion we had, sir. Could he, if he were disposed to do so, operate a mechanism which had the potential of affecting adversely the CONELRAD system?

Mr. KRATOKVIL. He could try. There hasn't been mentioned the fact that there is a continual monitoring program of radio stations. At this minute there is monitoring going on.

Mr. ARENS. Now, may we ask you about Murray Goldberg. Does Murray Goldberg have, or has he in the recent past procured, a radio operator's license?

Mr. KRATOKVIL. He had procured a telephone first class operator license which would have entitled him—that is the highest radio telephone type of license available—which would have entitled him to operate any radio telephone station. That license expired and the action thereon was dismissed.

Mr. ARENS. Has he an application pending for a new license or a renewal of an old license?

Mr. KRATOKVIL. He appealed for a renewal, but that was dismissed, as far as my record here shows.

Mr. ARENS. He does not presently?

Mr. KRATOKVIL. No.

Mr. ARENS. Does the equipment for which he has been licensed have a potential for adversely affecting the CONELRAD system?

Mr. KRATOKVIL. Yes; I would say at the present time.

Mr. ARENS. Do your records reflect the issuance of a license or an application pending for a license for a person by the name of Philip D. Boothroyd?

Mr. KRATOKVIL. Yes.

Mr. ARENS. Which is the case, please?

Mr. KRATOKVIL. Philip Douglas Boothroyd is the holder of a first-class phone license No. P1-2-7801, and he is also the holder of an amateur operator license. Would you like to know something about him?

On January 20, 1956, he withdrew a questionnaire that had been sent to him, and in 1960 he reinstituted the questionnaire and the action is pending.

Mr. ARENS. Now, sir, is the equipment for which he is licensed to operate of a type and variety which could adversely affect the CONELRAD system?

Mr. KRATOKVIL. Yes, sir.

Mr. ARENS. May I invite your attention to the name of Harold O. Townsend. Tell us the situation with respect to him and any license he may have.

Mr. KRATOKVIL. Mr. Townsend is the holder of telephone first-class operator license No. P1-2-6668, issued March 26, 1954, and he is also the holder of telegraph second-class license No. T2-2-1434, issued June 8, 1953.

Mr. ARENS. Sir, is the equipment for which Mr. Townsend is licensed to operate of a type or variety which could be used to adversely affect the CONELRAD defense system?

Mr. KRATOKVIL. He has within his means the potential of causing difficulty.

Mr. ARENS. Tell us in like manner, if you please, sir, what your records reflect with respect to Stanley Blumenthal.

Mr. KRATOKVIL. Stanley Blumenthal is the holder of first-class phone license No. P1-29437, issued April 19, 1955, and telegraph second-class license No. T2-2-1626, issued March 24, 1954.

Mr. ARENS. And is this equipment in similar category to the equipment we have been discussing, namely, that it could adversely affect the CONELRAD system?

Mr. KRATOKVIL. It has that potential, sir.

Mr. ARENS. Kindly tell us about the last person we would like to ask you about, David Jay Gould. What do your records reflect with respect to him?

Mr. KRATOKVIL. He is the holder of telephone first-class license No. P1-2-457, issued June 15, 1949, and telegraph first-class license No. T1-727 issued January 20, 1949. Both of those licenses, obviously, have expired.

Mr. ARENS. Is this equipment for which he was licensed in the same category as the equipment we have been discussing, namely, that it could adversely affect the CONELRAD system?

Mr. KRATOKVIL. Yes; it has that potential.

Mr. ARENS. Do your records reflect whether or not Wayne Paschal has now or in the recent past been licensed for any type of short-wave equipment—amateur short wave equipment?

Mr. KRATOKVIL. Yes. He is currently the holder of what is known as advanced class amateur license, expiring April 1, 1962.

Mr. ARENS. I don't want to pursue this into any detail or complicated scientific discussion, but what could a person do with a short-wave set if he were disposed to adversely affect the national security?

Mr. KRATOKVIL. He could communicate with untold thousands of persons in foreign lands, friend or foe.

Mr. ARENS. I would like, if we may, gentlemen, to inquire as to the present power of the FCC to preclude Communists from access to communications facilities; in the first instance to deny them licenses and then to revoke those licenses.

I am sure the committee, and I know the chairman is particularly aware of the decision in the Morton Borrow case, which is presently certiorari to the Supreme Court, and we do not in this proceeding want to indulge in anything that would adversely affect the consideration of that case in any degree.

The Borrow case, does it not, pertains solely and exclusively to an applicant for a radio operator's license?

Mr. LEE. That is correct.

Mr. ARENS. Under the Borrow decision as it was announced by the Court of Appeals for the District of Columbia, the FCC has power

to deny a license to an applicant who refuses to answer certain questions respecting communism; isn't that correct?

Mr. LEE. That is correct. It is my understanding, and I will turn this over to Mr. Holtz in a minute, that the denial is based on their failure to complete appropriate forms that we require.

We are entitled to inquire into anything we feel is pertinent, and if the man declines to answer those questions, under this case, he can be denied a license.

Mr. ARENS. Under the decision in the Borrow case, if a man does answer the questions, and says in effect, "Yes, I am now a member of the Communist Party, but nevertheless I want my license," you do not, pursuant to the Borrow case, have the power to deny him a license, necessarily, do you?

Mr. LEE. We do not. In that case, we would set him for a hearing and would have to make a public interest finding that being a member of the Communist Party was not in the public interest and deny him on public interest grounds.

Mr. ARENS. If the individual lied, if he said, "I am not a member of the Communist Party," and you did not have a witness who could identify him as then a member of the Communist Party, would you be obliged to issue him a license?

Mr. LEE. In my opinion, we are obliged, under existing law, to issue him a license.

Mr. ARENS. Now, if an individual procures a license and thereafter joins the Communist Party, or if the FCC learns that the individual is a Communist Party member after he has procured his license, under the Borrow case is the FCC vested with power to revoke the license?

Mr. LEE. No.

Mr. ARENS. Gentlemen, you are familiar, in general, and perhaps to a greater degree of specific information than I credit you with for the moment, with the bill introduced by the chairman of this committee, H.R. 12852.

Based upon your background and experience in the communications field, and in light of your obvious, overall objective of attempting to preclude Communists from access to communications facilities, would the bill introduced and sponsored by the chairman of this committee, H.R. 12852, in your judgment be a useful tool in attempting to preclude Communists from access to communications facilities?

Mr. LEE. In my personal judgment this would be a useful tool. I want to expand whenever you are ready on that.

(At this point Representative Scherer entered the hearing room.)

Mr. LEE. I wanted to explain, if I could, that on this, you, of course, know that we receive information periodically from another Government agency with respect to people who are suspect to one degree or another.

When this information is received and a license renewal comes up, we consider that information, that is, the licensing bureau must get together with the general counsel, and they look at the information based on "Could you prove this in a hearing?" because we cannot deny them without a hearing, but the information is furnished to us on a confidential basis. In a good many of these cases there is no way we could procure a witness to prove this.

Mr. ARENS. In those instances where you are not able to produce a live witness to identify the applicant as a member of the Communist Party, you are absolutely helpless, are you not, in attempting to preclude that individual from procuring a license?

Mr. LEE. We have no recourse.

Mr. ARENS. Am I clear and is the record clear, then, that you gentlemen who are experienced in this field of communication, and who are the experts regarding the potential detriment to the security of this country which could be the result of Communists having access to the communications facilities, do regard the bill introduced by the chairman of this committee, which is the subject of the hearings today, as a useful, helpful instrumentality in attempting to defend the communications facilities of this Nation against the Communist penetration?

Mr. LEE. I have no reservations whatsoever. I must, again, point out that our staff is currently studying this bill, and I am giving my personal opinion. It has not come before the commission.

We will, of course, communicate the formal views of the commission very shortly. My personal opinion is that it would be a useful tool. I have some quick observations as to how it perhaps could be extended to achieve your purposes.

Mr. ARENS. I am sure the committee would welcome your suggestions right now if you have them formulated.

Mr. LEE. I haven't even discussed this with my lawyer, who may tell me when I get out in the hall that I put my foot in my mouth.

I stayed up last night a little bit and read your hearings on Communist activities among seamen and on waterfront facilities.

Mr. ARENS. In that instance, there is a comparable parallel bill which would preclude Communist seamen from access to merchant vessels and port facilities.

Mr. LEE. That is correct. I was impressed with the fact that some witnesses pointed out that there were areas that the bill did not cover. I would just like to point out, of course—

The CHAIRMAN. Which bill are you talking about now?

Mr. LEE. I was talking about the bill in connection with waterfront facilities. I think some of the union witnesses said that there is another area.

In reading that, it occurred to me that in the communications field there is a very important area that this current bill will not reach, because we don't reach them. I am referring to employees of the common carriers.

There are millions of them, of course. We regulate the common carriers, the American Telephone and Telegraph, the Western Union, the international carriers, and so on, who do a great deal of work for the Defense Department and who are vital in the Defense Department.

I know they are of concern, that is, there is a security problem. Obviously, we can't investigate 40 or 50 percent of the population. But in this particular area, where the Defense Department contracts with these carriers for a lot—

Mr. ARENS. Are you speaking of the tie lines and lines out of the Pentagon and that type of facility?

Mr. LEE. Yes.

Mr. ARENS. The Air Force representative will be here tomorrow and we expect to explore that with him at that time.

Mr. LEE. What I am trying to say is that this bill is useful. I would endorse it personally without qualification. I think that if you are thinking in terms of security to communications you must remember that the common carrier does a lot of highly classified work and they do a lot of switching in connection with their entire communications system that might make it desirable, and there might be a way to extend this to our act.

For the record, I would just point out section 219 of our act, which looked like an appropriate place. I am not even endorsing this, but I am just giving you this suggestion, that it might be an appropriate place to work out language that would extend this to these other people.

I wouldn't have the words for you now, I wouldn't quite know how to do it, but I do think it is a very important area, and I think this could be explored with the Defense Department as well.

Mr. ARENS. We expect to interrogate the Air Force people in that field tomorrow. I would like to suggest, if it meets with the approval of the chairman, that you gentlemen might pursue this further yourselves and then communicate with the committee after you have formulated your ideas on that new area a little more firmly. It would be helpful to the committee, I am sure.

Mr. LEE. We would be very happy to do it.

Mr. ARENS. I believe, Mr. Chairman—in fact, I am sure—we have covered the highlights of what we wanted to go into with these gentlemen. We didn't want to explore too much into detail the mechanics of this thing or we would be lost and lose sight, perhaps, of the fundamental objective.

Mr. MOULDER. I have one question, Mr. Chairman.

You mentioned how many licenseholders there are.

Mr. LEE. There are roughly 21½ million.

Mr. MOULDER. Mr. Arens mentioned the names of three or four persons who, I assume, are known Communists. So far as you know, there may be several thousand who are Communists or, rather, I wouldn't say Communists, but who are sympathetic with the Communist cause or philosophy, so far as you know, or I would say a large number?

Mr. LEE. It is possible. We would rely on information that we would get from other Government agencies. At renewal time, if we thought we could make a case, we would do it. But very often if it is confidential information there isn't anything we can do about it.

The CHAIRMAN. Of course, if they followed their usual technique, they would limit the number as much as possible so as not to attract attention, and select only those very sensitive positions in which to infiltrate in order to do the damage that they contemplate.

Mr. LEE. Yes. I think that is true. And I think that one of the great efforts of the House Un-American Activities Committee to contain this conspiracy so that there are just a relatively few of our population, because when you talk about critical industries and vital industries, by the time you add up communications, transportation, shipping, aircraft, power, and public utilities, you have a very substantial part of our population involved.

I would hope through the work of this committee, educating people to what this thing is, that we would have a relatively small problem. But we really don't know how many there are or may be.

Mr. MOULDER. I have one more question, Mr. Chairman.

When they make application for a license, are they required to take an oath that they are not a member of the Communist Party or any other organization seeking to overthrow the Government by force or violence?

Mr. LEE. No; they do not. They are, of course, subject to a false statement given to a Government agency for which there is a criminal penalty. But we do not have the so-called loyalty oath on our form, as such.

When we get information from the other Government agencies that a man is or may be—when his license comes up for renewal we send him that specific question—which, of course, is the Borrow case.

Mr. MOULDER. However, it is only when it is called to your attention?

Mr. LEE. That is correct, sir. Only when it is called to our attention. I might mention on the Borrow case that my counsel, Mr. Holtz, thought that we should put this one statement into the record: that the Borrow case, if it stands up, gives us the implicit authority that your bill would make explicit.

The CHAIRMAN. Where in the existing law, is there an express authorization for you to ask the question you did in the Borrow case? I am going to give you a curbstone opinion, and it may or may not be worth anything, but we have seen on so many occasions the court holding that unless it is spelled out specifically, it is nonexistent, on the theory that the Government has no authority, no implied authority, to protect itself. This is a new idea, but nonetheless that is the situation.

Mr. HOLTZ. I think it may be quite correct, and we count ourselves fortunate at this time that we have been able in the Court of Appeals stage to impress the court with the argument that we do have the authority to ask this question.

You are correct that there is no specific authority to permit us to ask a given question. But our argument has been, and I think it makes a lot of sense logically, that when a person is a licensee or a permittee of the FCC, that we as the licensing authority have the right to ask proper and valid questions, and he, in turn, as a reciprocal duty to the commission, should answer and give us that information, which is pertinent as far as we are concerned.

This, again, is the point which will be determined at the Supreme Court level.

Mr. SCHERER. Supplementing what our chairman said, in the Green case the Supreme Court indicated that the Government didn't even have any property right in its own secrets or classified information. That is the net result of the Green case.

Mr. HOLTZ. The statement that the chairman has made is not in any way to detract from the salutary efforts of this bill. I am sure Mr. Arens will appreciate that. It is only to preserve our position in litigation when it gets to the Supreme Court.

The CHAIRMAN. Of course, ever since *Cole* versus *Young*, this committee is just the least bit worried about a lot of things that have happened in the Supreme Court.

Is there anything else?

Mr. ARENS. Nothing further of these gentleman, Mr. Chairman.

Mr. SCHERER. I am just happy that the Federal Communications Commission has such able counsel.

Mr. HOLTZ. Thank you.

Mr. JOHANSEN. I have one question, Mr. Chairman.

You speak of reviews of applications when the licensees come up for renewal. Are there many instances in which you are able to be effective in denying a renewal by reason of information regarding Communist Party membership or affiliation?

Mr. LEE. There are relatively few instances where we are able to do much good. If he refuses to answer, we have reason to proceed. If he answers and says "Yes" we could proceed with a hearing. If he lies, unless we have witnesses to prove it, we really don't have very much.

Mr. JOHANSEN. So you are pretty much at the mercy of the applicant in the situation?

Mr. LEE. Certainly there is an overwhelming burden of proof on the Government.

Mr. JOHANSEN. Thank you.

The CHAIRMAN. Thank you very much, gentlemen.

Mr. ARENS. The next witness, if you please, Mr. Chairman, will be Michael Mignon.

Please come forward and remain standing while the chairman administers an oath.

The CHAIRMAN. Do you swear that the testimony you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. MIGNON. I do.

TESTIMONY OF MICHAEL MIGNON, A REPRESENTATIVE OF THE COMMUNICATIONS WORKERS OF AMERICA, AFL-CIO, NEW YORK, N.Y. (APPEARING IN RESPONSE TO A SUBPENA ISSUED BY THE COMMITTEE ON UN-AMERICAN ACTIVITIES)

Mr. ARENS. Please identify yourself by name, residence, and occupation.

Mr. MIGNON. My name is Michael Mignon. I live in Brooklyn, New York. I work for the Communications Workers of America, AFL-CIO, as a representative of that union.

Mr. ARENS. Mr. Mignon, you have previously testified before this committee and have recounted to this committee your experiences and activities as a one-time member of the Communist Party; is that correct?

Mr. MIGNON. That is correct.

Mr. ARENS. I do not intend in this session to interrogate you in detail on that, but I would like to ask you just to state for this record, if you please, the dates of your membership in the Communist Party and just a word about your service.

Mr. MIGNON. I was a member of the Communist Party from 1936 to on or about 1940, as I testified previously, sir.

Mr. ARENS. Did you, as a member of the Communist Party, know as a member of the Communist Party a person by the name of Philip D. Boothroyd, B-o-o-t-h-r-o-y-d?

Mr. MIGNON. Yes, sir. I was introduced to him as a member of the Communist Party on the West Coast in or about 1938.

Mr. ARENS. And do you here and now testify that you knew him to a certainty to be then a member of the Communist Party?

Mr. MIGNON. To the best of my knowledge; yes, sir.

Mr. ARENS. Mr. Mignon, based upon your background and experience, both in the Communist Party and in the communications industry, in the event of armed hostilities, would a member of the Communist Party who had access to communications facilities hesitate to attempt to adversely affect the defensive mechanism known as CONELRAD?

Mr. MIGNON. In my opinion they would not hesitate at all because, as members of the Communist Party, as I knew the Communist Party when I was a member thereof, they would be under Communist Party discipline and would obey the orders of the Communist Party.

Therefore, if there were a war, or an attack between ourselves and any Communist country, I have no doubt in my mind that a member of the Communist Party would not hesitate, as a matter of fact, he would do all possible, to aid the enemy of our country.

Mr. ARENS. Mr. Chairman, I respectfully suggest that we could pursue other matters with Mr. Mignon, but they are not germane to the theme we are presently pursuing. I, therefore, suggest that will conclude the staff interrogation of this witness.

The CHAIRMAN. We thank you again, Mr. Mignon, for your continued interest in this very thankless job all of us have. You have made a great contribution, you and your great organization. Stick to it.

Mr. MIGNON. Mr. Chairman, as I testified previously, it is the belief of my union, the Communications Workers of America, and myself specifically, that there is no room for a member of the Communist Party in the communications industry. That is voice and non-voice. We stand by that statement.

Mr. SCHERER. I remember well Mr. Mignon's previous testimony before this committee, which has been extremely helpful.

I would suggest, Mr. Arens, that the record at this point at least include a reference to Mr. Mignon's previous testimony¹ so it may be referred to. I think it fits in properly with the brief testimony he has given here today.

The CHAIRMAN. Thank you very much, Mr. Mignon.

Mr. ARENS. The next witness, if you please, Mr. Chairman, will be Philip D. Boothroyd.

Please come forward and remain standing while the chairman administers an oath.

The CHAIRMAN. Will you raise your right hand?

You do swear that the testimony you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. BOOTHROYD. I do.

¹ See "Investigation of Communist Penetration of Communications Facilities—Part 1," p. 1410, July 17, 1957.

TESTIMONY OF PHILIP D. BOOTHROYD, ACCOMPANIED BY COUNSEL,
LEONARD B. BOUDIN

Mr. ARENS. Kindly identify yourself by name, residence, and occupation.

Mr. BOOTHROYD. My name is Philip D. Boothroyd, and I live in Sparta, New Jersey.

Mr. ARENS. And your occupation, please, sir?

Mr. BOOTHROYD. I decline to give my occupation.

Mr. ARENS. Why?

Mr. BOOTHROYD. It is irrelevant to the discussion.

Mr. ARENS. We will pursue that in just a moment.

Are you represented by counsel here today?

Mr. BOOTHROYD. I am.

Mr. ARENS. Counsel, will you kindly identify yourself on this record?

Mr. BOUDIN. Leonard B. Boudin, 25 Broad Street, New York 4.

Mr. ARENS. You are appearing in response to a subpoena which was served upon you?

Mr. BOOTHROYD. I am.

Mr. ARENS. Now, tell the committee your occupation.

Mr. BOOTHROYD. I decline to answer on the grounds that it is irrelevant to this question.

Mr. ARENS. Mr. Chairman, I respectfully suggest the witness now be ordered and directed to answer that question.

The CHAIRMAN. Yes. You are directed to answer the question, although I think it is futile. Every time I see a Communist lawyer coming up here with a witness I know what he is going to answer.

Mr. BOUDIN. I think the chairman's remarks are very improper and very unfair.

The CHAIRMAN. It is the way I feel and it is the fact. I do not know whether you got out of the Communist Party or not.

Mr. BOUDIN. As the chairman undoubtedly knows, I have never been in the Communist Party and I have so stated to the committee.

The CHAIRMAN. Yes, I know you stated that. I know all the time you were a professor in the Communist school.

Mr. BOUDIN. I think the chairman's remarks are very unfair, very improper, and very unprofessional.

The CHAIRMAN. You are entitled to your opinion of me as I am entitled to my opinion of you.

Mr. BOUDIN. You are a member of the bar and you have no right to discuss another member of the bar in that way.

The CHAIRMAN. Go ahead. You are directed to answer the question.

Answer the question.

Mr. BOOTHROYD. I have been a radio operator in the past.

Mr. ARENS. Do you presently hold a radio operator's license?

Mr. BOOTHROYD. I do not. I have a temporary permit.

Mr. ARENS. What is the nature of the temporary permit which you hold?

Mr. BOOTHROYD. An application which I made for renewal on my expired license.

Mr. ARENS. Am I clear and is the record clear that you presently have an application for a license as a radio operator?

Mr. BOOTHROYD. Yes, sir.

Mr. ARENS. And what type of radio operating equipment do you operate?

Mr. BOOTHROYD. I have operated many kinds.

Mr. ARENS. Give us the principal kinds, please, sir.

Mr. BOOTHROYD. Shipboard and broadcast.

Mr. ARENS. And are you presently the holder of some type of a permission or permit by the FCC to operate equipment, radio equipment?

Mr. BOOTHROYD. I have a statement which says that I can operate this equipment on displaying of an application for renewal.

Mr. ARENS. How long have you had this permit to operate the radios?

Mr. BOOTHROYD. For several months.

Mr. ARENS. What type of license have you had in the past?

Mr. BOOTHROYD. I decline to answer.

Mr. ARENS. Why?

Mr. BOOTHROYD. I do not believe the committee is pursuing any relevant purpose in asking me.

Mr. ARENS. I respectfully suggest, Mr. Chairman, the witness be ordered and directed to answer that question.

The CHAIRMAN. I did not hear the question.

Mr. ARENS. The question is what type of radio licenses has he had in the past and he declined to answer it because he said it was, in effect, irrelevant.

The CHAIRMAN. These were licenses issued by the United States?

Mr. ARENS. Yes, sir.

The CHAIRMAN. You are directed to answer the question.

Mr. BOOTHROYD. I didn't hear.

The CHAIRMAN. You are directed to answer the question concerning the issuance of licenses, a matter which is of public record.

Mr. BOOTHROYD. The license I was issued was a first-class radio telephone, broadcast license.

Mr. ARENS. Where did you utilize that license? Where did you work?

Mr. BOOTHROYD. In the broadcast industry.

Mr. ARENS. Where?

Mr. BOOTHROYD. I decline to answer.

Mr. ARENS. Why?

Mr. BOOTHROYD. I decline to answer because of my rights under the fifth amendment, under which I do not—cannot be required to testify against myself.

Mr. ARENS. Do you honestly apprehend that if you told this committee while you are under oath where you were employed to utilize that radio operator's license you would be supplying information that might be used against you in a criminal proceeding?

Mr. BOOTHROYD. It is possible.

Mr. ARENS. Now, sir, where are you presently employed?

Mr. BOOTHROYD. I decline to answer.

Mr. ARENS. How long have you been employed at your present employment?

Mr. BOOTHROYD. I decline to answer.

Mr. ARENS. Are you now a member of the Communist Party?

Mr. BOOTHROYD. I decline to answer.

Mr. ARENS. Do you know a person by the name of Michael Mignon, the gentleman who preceded you to the witness stand?

Mr. BOOTHROYD. Yes. I have known him in the past.

Mr. ARENS. Mr. Mignon testified under oath a few moments ago that while he was a member of the Communist Party he knew you as a member of the Communist Party. Was he in error or was he correct in his identification of you?

Mr. BOOTHROYD. I decline to answer.

Mr. ARENS. Mr. Chairman, I respectfully suggest that will conclude the staff interrogation of this witness.

The CHAIRMAN. The witness is excused.

Call your next witness.

Mr. ARENS. The next witness, if you please, Mr. Chairman, will be Wayne P. Paschal.

Please come forward and remain standing while the chairman administers an oath.

The CHAIRMAN. Do you swear that the testimony you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. PASCHAL. Yes.

TESTIMONY OF WAYNE P. PASCHAL, ACCOMPANIED BY COUNSEL, LEONARD B. BOUDIN

Mr. ARENS. Please identify yourself by name, residence, and occupation.

Mr. PASCHAL. My name is Wayne P. Paschal. My residence is Route 2, Box 6583, Issaquah, Wash. My occupation is television and radio repairman.

Mr. ARENS. You are appearing today, Mr. Paschal, in response to a subpoena which was served upon you by this committee?

Mr. PASCHAL. That is correct.

Mr. ARENS. And you are represented by counsel?

Mr. PASCHAL. I am.

Mr. ARENS. Counsel, kindly identify yourself.

Mr. BOUDIN. Leonard B. Boudin, New York City.

Mr. ARENS. Do you hold a radio operator's license issued by the Federal Communications Commission?

Mr. PASCHAL. I do.

Mr. ARENS. How long have you held that license? When was it issued to you?

Mr. PASCHAL. You are referring to the present, existing license?

Mr. ARENS. Yes, sir.

Mr. PASCHAL. I don't remember the exact issue date. I think the Federal Communications Commission witness here testified as to the exact date. I think I heard him say that it was in—well, you will have to refresh my memory. I think it was in August of—let's see. Five years prior to now would be 1957, I presume.

Mr. ARENS. Mr. Paschal, what other licenses have you held issued by the FCC?

Mr. PASCHAL. I have held a radio—well, if you want to go back into the entire history, to the best of my memory at the present moment

I have held radio telegraph second-class operator's license, radio telegraph first-class operator's license, and amateur radio license.

Mr. ARENS. Have you held or do you now hold a short wave operator's license or permit to operate a short wave set?

Mr. PASCHAL. Well, I hold a license to operate an amateur radio station, which includes, of course, any radio station under the rules and regulations pertaining to that service.

Mr. ARENS. Do you operate an amateur radio station now?

Mr. PASCHAL. I do.

Mr. ARENS. And does that station have the potential to send messages at great distance?

Mr. PASCHAL. No.

Mr. ARENS. At what distance can it send a message?

Mr. PASCHAL. Except under the most unusual conditions of propagation, which is a very technical subject, not more than—perhaps 300 miles.

Mr. ARENS. What is the type of equipment that your principal license presently enables you to operate?

Mr. PASCHAL. Any type of radio equipment licensed for the amateur service, if you are referring to the amateur operation.

Mr. ARENS. I was speaking principally of the professional type of equipment. Can you give us a word about the nature of the equipment that you are licensed to operate?

Mr. PASCHAL. The nature of the equipment would be any type of radio telegraph equipment licensed by the Federal Communications Commission, of whatever nature.

Mr. ARENS. How long have you been employed at your present place of employment as a television and radio man?

Mr. PASCHAL. Approximately 6 years.

Mr. ARENS. And have you been engaged during that 6-year period in the operation of any of this professional equipment which you are licensed to operate?

Mr. PASCHAL. No.

Mr. ARENS. Have you ever been engaged in the operation of this professional equipment? I am using the term "professional" only in layman's terms.

Mr. PASCHAL. Well, Mr. Chairman, I think I must decline and cease answering questions along this particular line, under the terms of the first amendment and the fifth amendment, and I do not believe it is relevant to the hearing or the subject under consideration.

Mr. ARENS. I am not certain you gave your reasons.

Mr. PASCHAL. I say under the first and fifth amendments of the Constitution and the fact that I do not feel that this is relevant.

Mr. ARENS. Do you honestly apprehend, sir, that if you told this committee while you are under oath whether or not you have operated radio equipment of the professional variety pursuant to the license issued to you by the Federal Communications Commission, you would be supplying information that might be used against you in a criminal proceeding?

Mr. PASCHAL. I could be, probably. I do not know.

Mr. ARENS. Are you now a member of the Communist Party?

Mr. PASCHAL. I decline to answer for the aforementioned reasons.

Mr. ARENS. On June 16, 1954, Mrs. Barbara Hartle swore before this committee that while she was a member of the Communist Party

she knew you as a member of the Communist Party. Was Mrs. Hartle in error or was she correct in her identification of you as a member of the Communist Party?

Mr. PASCHAL. I must decline to answer the question for the same reasons as previously stated.

Mr. ARENS. Mr. Chairman, I respectfully suggest that will conclude the staff interrogation of this witness.

Mr. MOULDER. Did you say you had equipment with which you can send messages not beyond 300 miles?

Mr. PASCHAL. That is right.

Mr. MOULDER. That would be the range or the power of this so-called amateur equipment?

Mr. PASCHAL. That is correct.

Mr. MOULDER. Would it be possible for you, with your knowledge, mechanical knowledge, technical knowledge, as a repairman and—what other work do you do?

Mr. PASCHAL. Just a repairman.

Mr. MOULDER. —for you to change or alter that equipment so as to send messages far beyond that range with additional parts of equipment that might go into the same equipment that you have, to send messages beyond that limit?

Mr. PASCHAL. With the particular equipment that I have, no, it would not be feasible. It would require entirely different type of equipment than I now possess.

Mr. MOULDER. That is all.

Mr. ARENS. I have another question, if you please, Mr. Chairman.

At the time you procured your present license as a professional radio operator, did you reveal to the Federal Communications Commission, either upon inquiry by the commission or by volunteering statements, as to whether or not you were then or had been a member of the Communist Party?

Mr. PASCHAL. In respect to this question, I must decline to answer for the same reasons as stated to other questions.

Mr. ARENS. No further questions.

The CHAIRMAN. The witness is excused.

Call your next witness.

Mr. ARENS. The next witness, if you please, will be Stanley Blumenthal.

Please come forward and remain standing while the chairman administers an oath.

The CHAIRMAN. Do you swear that the testimony you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. BLUMENTHAL. I do.

TESTIMONY OF STANLEY BLUMENTHAL, ACCOMPANIED BY COUNSEL, LEONARD B. BOUDIN

Mr. ARENS. Please identify yourself by name, residence, and occupation.

Mr. BLUMENTHAL. My name is Stanley Blumenthal. I live at 217 Cozine Avenue, in Brooklyn, New York.

As to the question of occupation, I decline to answer on the following grounds: The vagueness of resolution creating the committee, the

committee's lack of jurisdiction, the nonpertinency of the question, the committee's lack of legislative purpose, and my constitutional privilege under the fifth amendment and my constitutional rights under the first amendment.

Mr. ARENS. You are appearing today, Mr. Blumenthal, in response to a subpoena which was served upon you by this committee?

Mr. BLUMENTHAL. I am.

Mr. ARENS. And you are represented by counsel?

Mr. BLUMENTHAL. I am.

Mr. ARENS. Counsel, kindly identify yourself on this record.

Mr. BOUDIN. Leonard B. Bondin, 25 Broad Street, New York 4.

Mr. ARENS. Mr. Blumenthal, have you ever applied for a radio operator's license to the Federal Communications Commission?

Mr. BLUMENTHAL. I decline to answer on the same reasons previously stated.

Mr. ARENS. Have you ever been issued a license to operate professional radio equipment by the Federal Communications Commission?

Mr. BLUMENTHAL. I decline to answer on the previous—

Mr. ARENS. Representatives, this morning, from the Federal Communications Commission testified, among other things, that a license was issued to you in 1955 to operate radio equipment. Were they in error in that statement?

Mr. BLUMENTHAL. I decline to answer for the same reasons I previously stated.

Mr. ARENS. Are you now, sir, a member of the Communist Party?

Mr. BLUMENTHAL. My answer is the same as to the other questions.

Mr. ARENS. How long have you been engaged—

The CHAIRMAN. Wait a minute. What is the answer?

Mr. BLUMENTHAL. I decline to answer on the following grounds: The vagueness of the resolution creating the committee, the committee's lack of jurisdiction, the nonpertinence of the question, the committee's lack of legislative purpose, my constitutional privilege under the fifth amendment, and my constitutional rights under the first amendment.

Mr. ARENS. How long have you been engaged in your present occupation?

Mr. BLUMENTHAL. My answer is the same as the previous answer.

Mr. ARENS. There is pending before this committee a bill by the chairman which would require applicants for radio communication licenses, interrogated under oath, to answer certain questions, and if they do not answer those questions they cannot get the license.

These questions pertain to Communist Party membership or activity. Would you, and can you, tell this committee while you are under oath respecting information you have about the Communist Party?

Mr. BLUMENTHAL. I decline to answer because of the vagueness of the resolution creating the committee, the committee's lack of jurisdiction, the nonpertinency of the question, the committee's lack of legislative purpose, and my constitutional privileges under the fifth amendment and my constitutional rights under the first amendment.

Mr. ARENS. We have no further questions of this witness, Mr. Chairman.

The CHAIRMAN. The witness is excused.

Call the next witness.

Mr. ARENS. Harold O. Townsend.

Please come forward and remain standing while the chairman administers an oath.

(At this point Representative Tuck left the hearing room.)

The CHAIRMAN. You do swear that the testimony you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. TOWNSEND. I do.

**TESTIMONY OF HAROLD (O.) TOWNSEND, ACCOMPANIED BY
COUNSEL, LEONARD B. BOUDIN**

Mr. ARENS. Please identify yourself by name, residence, and occupation.

Mr. TOWNSEND. Harold Townsend, 324 Brentwood Road, Bayshore, New York.

Mr. ARENS. And your occupation, please, sir?

Mr. TOWNSEND. Well, I decline to answer any question you may ask me for the following reasons: The committee does not have the legislative purpose, does not have jurisdiction, the question is not pertinent, and the question violates my rights under the first amendment and my constitutional privileges under the fifth amendment.

Mr. ARENS. You are appearing today in response to a subpoena served upon you by this committee?

Mr. TOWNSEND. Yes.

Mr. ARENS. You are represented by counsel?

Mr. TOWNSEND. Yes.

Mr. ARENS. Counsel, please identify yourself.

Mr. BOUDIN. Leonard B. Boudin, 25 Broad Street, New York.

Mr. ARENS. Mr. Townsend, do you presently have a Federal Communications Commission radio operator's license?

Mr. TOWNSEND. I decline to answer any of your questions for the reasons I have given you.

Mr. ARENS. Do you honestly apprehend, sir, that if you told this committee while you are under oath whether or not you presently hold or have held in the recent past radio operator's licenses issued to you by this Government, you would be supplying information which might be used against you in a criminal proceeding?

Mr. TOWNSEND. I decline to answer for the reasons I have already given.

Mr. ARENS. How long have you been employed in your present place of employment?

Mr. TOWNSEND. I decline to answer for the reasons previously given.

Mr. ARENS. Are you now, this instant, a member of the Communist Party?

Mr. TOWNSEND. I decline to answer for the reasons previously given.

Mr. ARENS. Mr. Chairman, I respectfully suggest that will conclude the interrogation of this witness.

The CHAIRMAN. You are excused.

Call the next witness.

Mr. ARENS. The next witness will be Murray Goldberg.

Please come forward and remain standing while the chairman administers an oath.

The CHAIRMAN. Raise your right hand.

Do you swear that the testimony you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. GOLDBERG. I do.

TESTIMONY OF MURRAY GOLDBERG, ACCOMPANIED BY COUNSEL, LEONARD B. BOUDIN

Mr. ARENS. Kindly identify yourself by name, residence, and occupation.

Mr. GOLDBERG. I am Murray Goldberg. I live in Syracuse, New York.

Mr. ARENS. Complete your answer, sir.

Mr. GOLDBERG. What additional information do you request?

Mr. ARENS. I asked you to kindly tell us your name, residence, and occupation. I am waiting for you to complete your answer.

Mr. GOLDBERG. Well, as to any additional information, aside from what I have already stated, I decline to state on the following grounds: The vagueness of the committee's mandate——

Mr. ARENS. You are reading from a prepared statement?

Mr. GOLDBERG. I am reading this to keep my natural nervousness from——

The CHAIRMAN. You are reading the same thing that the preceding witness read?

Mr. GOLDBERG. I am reading my notes, sir, so that I can have these points in the order in which I would like them and not depend completely on memory, which in view of my natural nervousness I prefer not to depend on.

The CHAIRMAN. Your lawyer handed you that memorandum to read, didn't he?

Mr. GOLDBERG. May I complete this comment as to my reasons for declining the question?

The CHAIRMAN. All right.

Mr. GOLDBERG. The vagueness of the committee's mandate, the committee's lack of jurisdiction, the lack of pertinency of the question, the absence of legislative purpose, my rights under the first amendment to the Constitution, and——

Mr. JOHANSEN. Mr. Chairman——

The CHAIRMAN. Yes?

Mr. JOHANSEN. Mr. Chairman, I have restrained myself with great difficulty, but this is the third or fourth witness who has had the effrontery to tell this committee that there is no legislative purpose in this hearing, and I just want the record to show that there is a limit to the self-control I possess.

The CHAIRMAN. Well, you are only human.

Go ahead and finish reading the statement that you have had handed to you by Mr. Boudin.

Mr. GOLDBERG. ——my rights under the first amendment of the Constitution, my rights and privileges under the fifth amendment, including the right to due process and my right not to be a witness against myself.

Mr. ARENS. Mr. Goldberg, you are appearing in response to a subpoena served upon you?

Mr. GOLDBERG. Yes, sir.

Mr. ARENS. You are represented by counsel?

Mr. GOLDBERG. Yes, sir.

Mr. ARENS. Counsel, please identify yourself on this record.

Mr. BOUDIN. Leonard B. Boudin, 25 Broad Street, New York.

The CHAIRMAN. I don't think, Mr. Arens, you want to waste any more time with this witness.

Mr. ARENS. Could I ask one more question?

The CHAIRMAN. Yes.

Mr. ARENS. Mr. Goldberg, are you now, this instant, a member of the Communist Party?

Mr. GOLDBERG. I decline to answer for the reasons previously given.

Mr. ARENS. Do you hold a radio operator's license issued to you by this Government?

(The witness conferred with his counsel.)

Mr. GOLDBERG. I decline to answer for the reasons previously stated.

Mr. ARENS. Mr. Chairman, I respectfully suggest that will conclude the staff interrogation of this witness, and I respectfully suggest that will be all of the witnesses we have for today, Mr. Chairman, but we have witnesses who will appear here tomorrow at ten o'clock.

The CHAIRMAN. Very well. The committee will be in recess until tomorrow morning at ten o'clock.

(Members of the committee present at time of recess: Representatives Walter, Moulder, Doyle, Scherer and Johansen.)

(Whereupon, at 11:30 a.m., Tuesday, August 23, the committee recessed, to reconvene at 10 a.m., Wednesday, August 24, 1960.)

COMMUNIST PENETRATION OF RADIO FACILITIES

(CONELRAD—COMMUNICATIONS)

PART 1

WEDNESDAY, AUGUST 24, 1960

UNITED STATES HOUSE OF REPRESENTATIVES,
COMMITTEE ON UN-AMERICAN ACTIVITIES,
Washington, D.C.

PUBLIC HEARINGS

The Committee on Un-American Activities met, pursuant to recess, at 10:10 a.m. in the Caucus Room, Old House Office Building, Washington, D.C., Hon. Francis E. Walter (chairman), presiding.

Committee members present: Representatives Francis E. Walter, of Pennsylvania; Clyde Doyle, of California; and August E. Johansen, of Michigan. (Appearances as noted.)

Staff members present: Richard Arens, staff director, and Louis J. Russell, investigator.

The CHAIRMAN. The committee will be in order.

(Members of the committee present at time of convening: Representatives Walter and Johansen.)

The CHAIRMAN. Call your witness.

Mr. ARENS. Mr. Chairman, the first witnesses will be three gentlemen representing the U.S. Air Force, Col. Harry F. Smith, Major Evelyn, and Captain Stroud.

Will you gentlemen come forward, please, and remain standing while the chairman administers an oath?

The CHAIRMAN. Do you each swear that the testimony you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?

Lieutenant Colonel SMITH. I do.

Major EVELYN. I do.

Captain STROUD. I do.

TESTIMONY OF HARRY F. SMITH, LIEUTENANT COLONEL, OFFICE OF DIRECTORATE OF OPERATIONS, HEADQUARTERS, USAF; DOW E. EVELYN, MAJOR, OFFICE OF DIRECTORATE OF OPERATIONS, HEADQUARTERS, USAF; AND ROY W. STROUD, CAPTAIN, LEGISLATIVE ATTORNEY, LEGISLATION BRANCH, CONGRESSIONAL COMMITTEE DIVISION, OFFICE OF LEGISLATIVE LIAISON, USAF

Mr. ARENS. Beginning with the gentleman on my extreme left, will you kindly identify yourselves, please, by name, rank, and occupation?

Lieutenant Colonel SMITH. I am Lieutenant Colonel Harry F. Smith. I work in the Directorate of Operations, Headquarters, USAF. I am the chief of the Electronic Countermeasures.

Mr. ARENS. Could you keep your voice up a little bit, Colonel? The acoustics are poor in this room.

Lieutenant Colonel SMITH. I am chief of the ECM or Electronic Countermeasures working group in the Directorate of Operations, USAF.

Mr. ARENS. Give us, please, just a word about your personal background and experience.

Lieutenant Colonel SMITH. I have been in the electronics field in the Air Force since 1939. I was in the communications business for about 3 years and I progressed into the radar field and then into the electronic countermeasures field. I have been in the electronic countermeasures field since 1943.

Mr. ARENS. Major Evelyn, will you kindly, identify yourself and give us a word of your background?

Major EVELYN. I am Dow E. Evelyn, Major, United States Air Force, presently assigned to the Directorate of Operations, in Headquarters, USAF, in the Pentagon.

I have been a commissioned officer for over 18 years, with broad assignments in the fields of communications, electronics and electronic warfare.

Mr. ARENS. Captain Stroud, will you give us a word about yourself, please?

Captain STROUD. I am Captain Roy W. Stroud. I am a legislative attorney in the Legislation Branch, Congressional Committee Division, Office of Legislative Liaison, USAF.

Mr. ARENS. Gentlemen, in accordance with the prior practice of this committee, I will ask a series of questions, and the gentleman who is equipped to answer that question, will please just identify himself by name and then respond to the question.

Will you gentlemen first of all give us a word about CONELRAD? What is CONELRAD and what importance does it have to the defense of this Nation?

Major EVELYN. CONELRAD is an abbreviation for "Control of Electromagnetic Radiations." The military requirement for the CONELRAD system is to deny navigational aid to enemy aircraft and/or air breathing missiles which would require reference to some outside point to locate their position.

Mr. ARENS. Now tell us what importance does the Air Force attach to CONELRAD as an element of defense of this Nation.

Major EVELYN. The Air Force regards CONELRAD as important. It restated the military requirement for CONELRAD in March 1959. It has, as I have stated, the ability to deny an enemy the use of our radio transmissions for navigational aid.

Mr. ARENS. Gentlemen, on this record in the course of the last day or so testimony has been received to the effect that a number of persons who are, or in the recent past have been, members of the Communist Party have been licensed as radio operators by the Federal Communications Commission.

Based upon your background and experience in the electronics field, and your special familiarity, intimate familiarity, with CONELRAD,

tell this committee how a Communist, disposed to do so, who has access to radio transmitting equipment, could adversely affect the operation of CONELRAD.

Major EVELYN. Well, sir, since the purpose of CONELRAD is to deny navigational information or instructions to an enemy in the attack phase, a person so inclined, having access to a radio transmitter, could continue to broadcast either in a normal manner, identifying himself by call letters or location, or he could issue specific instructions to that attack force.

The CHAIRMAN. Yesterday, Major, there was a witness who testified that he had a sending set of very limited scope. I think he said 300 miles.

Would it be possible for a person of that sort, if he were so disposed, to guide enemy aircraft to a target by sending innocent-sounding messages or anything at all? Would that be possible?

Major EVELYN. Yes, sir; in my opinion it is.

Mr. ARENS. Major, in addition to CONELRAD—and I throw in this word of caution which I don't believe is necessary, that we do not, of course, want to reveal on a public record anything that we ought not to reveal—in addition to CONELRAD, are there in being electronic devices to give other types of defense to this Nation against enemy attack by missiles or by other prospective destructive devices?

Major EVELYN. Yes, sir; there are.

Mr. ARENS. Is there, in addition to this subject which we have just explored, radar coverage to defend the United States?

Major EVELYN. Yes, sir; there is.

Mr. ARENS. If a Communist were disposed to do so, and had access to radio transmitting equipment, could he adversely affect the operation of this electronic defense mechanism, as well as the radar coverage of this continent?

Major EVELYN. Yes, sir; possessing certain peculiar equipment, it is possible that he could.

Mr. ARENS. Based upon your background and experience in the field of electronics and your particular familiarity with CONELRAD, your specific familiarity with the radar nets which we have, your particular familiarity with the electronics devices to give us additional protection, and armed now with the information which I now give you that there are known, identified Communists licensed as radio operators with access to radio transmitting equipment, what is the state of your appraisal of the defense posture of this Nation through CONELRAD, electronics devices, and our radar net?

Are they, in your judgment, in a precarious position or not?

(At this point Representative Doyle entered the hearing room.)

Major EVELYN. In my opinion, sir, these individuals could wreak havoc on the defense system if they were so inclined.

Mr. ARENS. And based upon your experience as an officer of the United States Air Force, do you have any doubt that a member of the Communist Party with access to radio transmitting equipment would hesitate to perpetrate the very acts concerning which you have expressed apprehension a moment ago?

Major EVELYN. While I have no official knowledge, other than that given to me here, my answer would certainly be "Yes."

Mr. ARENS. Gentlemen, you might, if you please, give us a word more about the manner in which a Communist with access to radio transmitting equipment could, first, adversely affect our radar net; secondly, adversely affect the electronics devices, which we will not discuss but which give us a type of protection against guided missiles; and third, adversely affect CONELRAD.

Major EVELYN. Sir, I will ask your indulgence in the event that I must ignore certain subjects because of military classification.

Mr. ARENS. We understand.

Major EVELYN. I shall answer to the best of my ability.

Mr. ARENS. We understand.

Major EVELYN. Without getting into technical details, the radar net, of course, is dependent upon electronic intelligence that it collects. It detects the presence of attacking aircraft or objects.

There are techniques by which this system may be blinded through the use of false or spurious or masking signals.

I think, sir, that my remarks pertaining to radar, because of security reasons, should apply to electronics devices in general.

As regards specifically to CONELRAD, CONELRAD puts the majority of radio transmitters off the air by denying them the right to operate. As has been testified before this committee, certain short-range services essential to the public welfare, such as police, are allowed to continue to operate.

The FM radio service and the television radio services both are closed down and shut off the air. The standard broadcast stations, upon which most people are dependent for their radio information, move to certain selected frequencies, and adopt a technique of operation which would deny an enemy the ability to locate them geographically through electronic means.

In addition, these stations no longer announce their identifying call letters or their geographical locations. The Civil Defense people then have a requirement to use this remaining existing radio service to give instructions to the population.

A person who did not choose to obey the CONELRAD directive when the alert is called by the North American Air Defense Command would give aid to an enemy by the very fact that he remained on the air; more so, if he identified himself, his geographical location, or his call letters.

There also exists the possibility, and I must speak in my personal opinion in this case, that a person could give false or misleading instructions to the civil populace, thereby causing panic.

Mr. ARENS. Gentlemen, you have been confronted in this hearing with the fact that Communists now have access to radio transmitter facilities. Communists are now possessed of licenses, FCC radio transmitters' licenses, and you have expressed on this record your apprehension over this situation and have portrayed in this record how a Communist could adversely affect radar devices, the electronic shields, and CONELRAD.

Under the present law and procedures, is the Air Force, which has a major responsibility in the operation of these three defense units, empowered to cause the removal of Communists who presently have access to radio transmitters?

Major EVELYN. No, sir; not to my knowledge and belief.

Mr. ARENS. We will not attempt at this time to pursue with you the provisions of this bill which the chairman of this committee has introduced, because you have already informed us that, although you have been requested for your views on the bill, because of the processes which must be followed in the Pentagon and elsewhere, you are not prepared to express yourself on that.

Is there any other item of information which you gentlemen would like at this time to set forth on this record or to call to the attention of this committee?

Lieutenant Colonel SMITH. I would like to go back to the first question. The purpose of CONELRAD is twofold: One, to prevent the use of these transmissions for homing; and secondly, to keep the population informed and guided during an attack.

I think these two should be put together as the purpose of CONELRAD rather than separating them.

Mr. ARENS. And a Communist with access to communications facilities, radio transmitters, could adversely affect both functional operations, could he not?

Lieutenant Colonel SMITH. He could do both, yes, in my opinion.

Mr. ARENS. Mr. Chairman, I respectfully suggest that will conclude the staff interrogation of these witnesses.

The CHAIRMAN. Thank you, gentlemen.

Call your next witness.

Mr. ARENS. The next witness, if you please, will be Mr. Wilson McMakin. Mr. McMakin, as he will identify himself in a few moments, is the vice president of the Mackay Radio and Telegraph Company, the Commercial Cable Company, the All America Cables and Radio, Inc., and Globe Wireless, Ltd., all of which are operating subsidiaries of the American Cable and Radio Corporation.

The CHAIRMAN. Do you swear that the testimony you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. McMAKIN. I do, sir.

TESTIMONY OF WILSON McMAKIN, VICE PRESIDENT OF THE MACKAY RADIO AND TELEGRAPH CO., THE COMMERCIAL CABLE CO., THE ALL AMERICA CABLES AND RADIO, INC., AND GLOBE WIRELESS, LTD., AND DIRECTOR OF INDUSTRIAL RELATIONS

Mr. ARENS. Please identify yourself on this record.

Mr. McMAKIN. My name is Wilson McMakin, of New York City, vice president of the Mackay Radio and Telegraph Company, the Commercial Cable Company, the All America Cables and Radio, Inc., and Globe Wireless. These four companies are the operating subsidiaries of the American Cable and Radio Corporation.

I am director of industrial relations for these companies and, in addition to personnel and labor relations responsibilities in the United States and abroad, I am also the security officer responsible for industrial personnel security.

Mr. Chairman and members of the committee, your invitation to appear here and discuss certain proposed legislation as contained in H.R. 12852, for preventing or minimizing subversion in the radio, television, and broadcasting industry is greatly appreciated.

My appearance today is on behalf of the American Cable and Radio companies which are engaged in communications work vital to the national defense.

First I shall briefly explain our operations. Our four subsidiary companies in the United States operate a network of radio telegraph and submarine cable telegraph circuits to and from most of the countries of the world, including such countries as Russia, Rumania, Hungary, Czechoslovakia, et cetera.

Over these radio and cable telegraph circuits flow international telegraph traffic of all kinds. Our services are used by the public and by agencies of the United States Government, such as the State Department and the Armed Forces. Our circuits are also used by American concerns engaged in defense work.

Furthermore, we operate what are known as public coastal radio stations on the Atlantic, Gulf, and Pacific Coasts of the United States. These stations are engaged in communications with all ships at sea, including American-flag ships, the operators aboard which are licensed by the Federal Communications Commission.

Operators licensed by the Federal Communications Commission at these coastal stations not only handle all messages to and from ships at sea; they also operate the transmitting equipment used for sending such messages. To insure proper routing of marine messages, they, of necessity, must and do have knowledge of the location of all ships at sea in all oceans.

It is easy to see the dangers to the national security for a subversive employee to know the locations of this country's ships at a critical time in a national emergency.

I would like to interpolate at this point, Mr. Chairman—a situation that I think will point up the danger of possession of this knowledge of the ships at sea.

The U.S. Coast Guard, for instance, requires all ships on departure from their ports when they are going to some point abroad to broadcast the location of the ship, identify the ship, the call number of the radio station that it represents, it is a mobile station, and, as I said, the radio operator is licensed by the FCC.

For instance, when this ship is going across the Atlantic, at the time it crosses the 67th Meridian it again must give its location, in the same fashion. On reaching its point of destination it does the same thing. The purpose of this is a humanitarian one, safety at sea.

The method used by the Coast Guard in doing this will give it knowledge of the location of all ships so that if there is a ship in distress sending out an SOS for aid, the Coast Guard, by data processing devices, can locate the nearest ships to the one that is in distress and direct such ships to go to the aid of the one in distress.

My employees come into this picture in that they receive these messages that are directed to the Coast Guard. Many of them are received and forwarded to the Coast Guard; many of them go directly to the Coast Guard.

So you can easily see that these radio operators—incidentally, they operate transmitters—by just the fact that they are pressing the key of their radio equipment, they know the locations of all these ships.

Operation of overseas radio telegraph circuits depends upon very sensitive and complex transmitting equipment in our several transmitting stations.

Mr. Chairman, this is different from the ship-to-shore station that I just described. I am now talking about our principal telegraph service from a fixed place in the United States to a fixed station abroad.

The proper functioning of this equipment requires highly skilled technical personnel licensed by the Federal Communications Commission. Interruptions of or breakdowns of this vital transmitting equipment delay or stop the transmission of important overseas telegraph service.

In order properly to adjust and tune transmitters, the technicians must, from time to time, cut in teleprinters for monitoring the transmitters. Telegraph traffic of all kinds flows through these transmitters; thus, the technician has access to highly confidential and coded messages.

Obviously, the technicians cannot read the coded messages nor can they decode such coded messages. However, a subversive technician could make copies of such messages and deliver them to outside experts in decoding and thus bring about a breaking of the codes.

The greatest danger to the national defense in both our overseas transmitting and public coastal stations lies in the possibility of sabotage. Trained saboteurs planted throughout the communications companies' facilities could cause a breakdown of such facilities at the outbreak of any hostilities.

It would be a simple matter for such employees to cripple communications by damaging delicate and complex equipment used in modern methods of transmission.

In a state of emergency, in order for the Government to function at all, it must have available to it all international radio and cable telegraph facilities. It cannot afford to risk any possible breakdown or espionage in the operation of these facilities.

In the present state of the world, the prompt transmission of vital communications internationally, without danger of interruption or sabotage, is essential. It is equally essential that subversive elements be denied access to and use of international communications facilities for sending to our enemies abroad intelligence acquired by espionage.

My company, therefore, endorses H. R. 12852 as an important means to help prevent the deliberate placement of the saboteur and the spy in critical locations throughout an industry as vital to the national defense as international communications.

Mr. Chairman, I have a special interest and feeling in this matter and I have taken a great deal of interest over a number of years, not only working with your committee but the Senate Committee on Labor and the Senate Committee on the Judiciary on the question of control of Communists in communications.

I would like to point out to you, sir, that although this bill that is proposed is fine, and it would do much good to help at least, not necessarily eliminate but to minimize the placement of Communists in communications, but frankly, sir, it doesn't go far enough because there are so many other areas not covered.

As an illustration, the former president of my company, Admiral Ellery W. Stone, has testified before this committee on July 17, 1957, concerning the dangers of having Communists in communications, and he addressed himself to the broad aspect of the matter, not just

that portion relating to the licensed, Federal Communications Commission-licensed, operator, but others.

The Federal Communications Commission licenses only operators and technicians that will use transmitters, put transmitters on the air. We have equally vital equipment for the operation of communications in our receiving equipment.

If our receiving station breaks down, then we cannot receive messages at all, which is equally bad, and the equipment there is sensitive, delicate, requiring highly trained and skilled technicians. We have central office equipment that both the receiving and transmitting stations rely on. This is equally delicate and complex equipment.

There we have maintenance technicians and operating technicians who have as good opportunity as the transmitting operator.

The CHAIRMAN. Yes, but they are not operating as a result of any authority given them by the Government.

Mr. McMAKIN. That is right, sir.

The CHAIRMAN. That is one of the reasons why I studiously avoided that field, because I am just wondering how far we can go without running afoul of decisions that may not be upholding our statute.

Mr. McMAKIN. Well, I will admit, sir, that that is a very difficult area in which control can be exercised. But again I say that this is certainly a very important move in the right direction.

The CHAIRMAN. Did you perchance see the provision in the recommendations of the Wright Commission with respect to security, plant security? It may be that they are broad enough.

Mr. Arens, will you see that he gets a copy of that bill?

It may be that those provisions meet the situation that you have just discussed in another manner.

Mr. McMAKIN. Mr. Lee, one of the Commissioners of the Federal Communications Commission, yesterday touched on this very subject. He is aware of the very broad danger here.

The CHAIRMAN. Are there any other questions?

If not, thank you very much, sir. We appreciate your assistance.

Mr. ARENS. Joseph F. Keating.

Please come forward and remain standing while the chairman administers an oath.

The CHAIRMAN. You do solemnly swear that the testimony you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. KEATING. I do.

TESTIMONY OF JOSEPH F. KEATING, VICE PRESIDENT IN CHARGE OF PROGRAMS AND OPERATIONS, MUTUAL BROADCASTING SYSTEM, INC., NEW YORK, N.Y., ACCOMPANIED BY COUNSEL, HERBERT M. SCHULKIND, WASHINGTON, D.C.

Mr. ARENS. Please identify yourself, sir, by name, residence, and occupation.

Mr. KEATING. I am Joseph F. Keating, employed in New York, a resident of New Jersey. I am vice president in charge of programs and operations for the Mutual Broadcasting System.

Mr. ARENS. Mr. Keating, you are appearing today in the company of another gentleman?

Mr. KEATING. Yes, sir.

Mr. ARENS. Would you kindly identify yourself?

Mr. KEATING. This is Herb Schulkind, our legal counsel, of the firm of Fly, Shuebruk, Blume & Gaguine, of Washington, D.C.

Mr. ARENS. Thank you. Will you kindly proceed?

Mr. KEATING. Thank you.

The Mutual radio network at this present time serves 440 radio stations throughout the Nation and also in the Virgin Islands and Guam by providing them with a program service of primarily news, special events, and sports. We have been in steady operation since our founding in 1934.

In addition to this, I am a member of the National Industry Advisory Committee, abbreviated as NIAC, which was appointed by the Federal Communications Commission pursuant to Executive Order 10312.

This committee, which consists of a cross-section of the communications industry, advises and assists the FCC in its duties under this executive order, which order provides for "emergency control over certain Government and non-Government stations engaged in radio communication or radio transmission of energy."

The NIAC has been working with the FCC in developing a plan for an emergency broadcasting system to function before, during, and after a CONELRAD radio alert.

Mr. Chairman and members of the committee, it is indeed a privilege for me to appear before you today to give this testimony on the proposed bill H.R. 12852. As Chairman Walter explained in his opening statement yesterday, this bill "prohibits the issuance of a radio operator's license to any individual who wilfully fails or refuses to answer certain questions relating to Communist activities when summoned to appear before designated Federal agencies and provides for the revocation of a license which may be or may have been issued to any such individual."

The president of the Mutual Broadcasting System, Robert F. Hurleigh, sends his personal regrets in not being able to appear here today and serve this committee in person as it considers this proposed legislation, but he is presently on important business on a tour, and was unable to cancel or to change his plans.

I have, however, submitted my prepared statement to him and he has expressed his wholehearted support of what I am about to say.

As Members of Congress, you on the committee are infinitely more qualified than I to judge and determine the particular legalities and wording involved in any specific legislation. I can only express the need, in our opinion, of practical and effective legislation to safeguard the American free radio system from sabotage at the hands of Communists or Communist agents.

With this in mind, permit me to state these basic principles to which the Mutual Broadcasting System adheres strictly and devoutly.

It is a basic policy of our radio network to not only believe in and practice "non-communism" but we have taken a strong position of waging a war of information against the Communist ideology at home or abroad. The Mutual network has considered that it is part of the network's fundamental obligation to inform the American people of the nature and objectives of the international Communist conspiracy.

The CHAIRMAN. May I interrupt you at this point to say that it is indeed unfortunate that other media of information, particularly the daily press and some of the other networks, have not taken the same position that your company has under the direction of Mr. Hurleigh.

You have made a great contribution. I cannot help but feel in this work frustration, I think, being the word to describe the feeling of most of us much of the time; but when somebody comes forward the way you have, it is very refreshing.

If we lose our liberty in this country, as other countries slipped behind the Iron Curtain, it will be because of ignorance, apathy, and indifference.

I want to congratulate you for the contribution you have made toward preserving these freedoms that are so sacred to all of us.

Mr. KEATING. Sir, I appreciate more than I can say, and I am humbly grateful in behalf of Mutual for your kindness in those remarks, sir.

If I may continue along these lines—

The CHAIRMAN. Go ahead. Excuse me.

Mr. KEATING. The Mutual network has taken the position that in order to meet the ever-growing menace of communism, it is necessary for this Nation to maintain a capable defense program, adequate military offense, and, simultaneously, to inform the free citizens of the world as to the nature of communism's operations and the blessings of our way of life.

Along with our affiliated stations, which are part of the CONELRAD system, Mutual plays an important role in the defense program of our Nation through the emergency broadcast system under CONELRAD. The purpose of this system is to provide information for the American people in case of an enemy attack, and to assist the citizenry in their own survival efforts without giving vital aid to the enemy.

For this reason, a carefully planned program has been devised in case of attack so that Mr. and Mrs. America may simply turn on their radios to 640 or 1240 on the dial to obtain information on survival procedure during a period in which CONELRAD is in effect to deny navigational aid to an enemy.

Our network, along with the other three networks, has cooperated in the development of the emergency broadcast system plan designed to serve the American people in the event of enemy attack. The National Industry Advisory Committee, to which I referred earlier, just a week ago has been informed of the adoption of the "NIAC Plan For Technical Arrangements To Insure Nationwide Continuity Of The Emergency Broadcast System During CONELRAD And The Period Following Issuance Of The CONELRAD Radio All-Clear."

During the period when CONELRAD procedures are in effect to guard against an enemy using radio station signals for navigational aid, the NIAC plan will permit the use of CONELRAD stations for broadcasting of Presidential messages, general instructions, news, and various other messages from the various relocations of the Federal Government.

At the local level, each CONELRAD station would be inserting the local instructions and survival information so vital to the public. Arrangements are provided for the broadcast of state information, too.

The major networks would, during a CONELRAD, carry Presidential messages, as well as national news and information, to the sta-

tions for local broadcasting. The plan is largely technical, providing for the linking up of alternate facilities to replace those rendered inoperative by enemy action.

With this technical information as a basis, it seems obvious to us that Communist agents or sympathizers, placed in vital areas, could play havoc with this system under CONELRAD. The emergency broadcast system's success depends upon the collaboration of every station involved, including, I might add, even amateur radio stations.

I emphasize, Mr. Chairman, that only a few persons could cause this damage and destruction, even though the vast majority of radio personnel and technicians were completely cooperative.

This would be one important area in which such legislation as the proposed bill would serve the defense of our Nation. My personal belief is that radio plays a vital role in our Nation's security. I think this is indisputable. I believe it is equally indisputable to state that the overwhelmingly vast majority of radio employees are dedicated, patriotic American citizens, fervently against communism and unswerving in their love and devotion to this Nation and to the principles for which it stands.

Speaking for the Mutual Broadcasting System, I say here and now that we need legislation to assist in our efforts to preclude employment in radio broadcasting from those who would, when given the order to do so, push the switch, say the word, or respond to the command that would cause wrong information or even death and destruction on American soil.

I thank you, Mr. Chairman and members of the committee, for this opportunity to appear before you today.

The CHAIRMAN. Are there any questions?

If not, thank you very much.

Mr. ARENS. The next witness, if you please, Mr. Chairman, will be David Jay Gould.

Please come forward and remain standing while the chairman administers an oath.

The CHAIRMAN. Raise your right hand, please.

You do swear that the testimony you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. GOULD. I do.

TESTIMONY OF DAVID JAY GOULD, ACCOMPANIED BY COUNSEL, SIDNEY DICKSTEIN

Mr. ARENS. Please identify yourself, sir, by name, residence, and occupation.

Mr. GOULD. My name is David Gould. I live in West Hempstead, Long Island, New York. I am a TV technician, a studio technician.

Mr. ARENS. You are appearing today in response to a subpoena which was served upon you by this committee?

Mr. GOULD. Yes, sir.

Mr. ARENS. And you are represented by counsel?

Mr. GOULD. Yes, sir.

Mr. ARENS. Counsel, kindly identify yourself.

Mr. DICKSTEIN. My name is Sidney Dickstein. I am appearing for Mr. Gould today. My office is in Washington, D.C.

Mr. ARENS. Mr. Gould, where are you employed, please, sir?

Mr. GOULD. At the National Broadcasting Co.

Mr. ARENS. In what capacity?

Mr. GOULD. I am a studio engineer, an audio engineer.

Mr. ARENS. Do you presently hold a license issued by the Federal Communications Commission?

Mr. GOULD. No, sir.

Mr. ARENS. Have you ever held a license issued by the Federal Communications Commission?

Mr. GOULD. Yes; I have.

Mr. ARENS. Over what period of time did you hold such a license?

Mr. GOULD. I think 1943—I am guessing—would be the time I first received my license. I can't honestly tell you when they ended. I would guess—

The CHAIRMAN. Just the best you can.

Mr. GOULD. I would say 1950, 6 or 7 years ago or so.

Mr. ARENS. Have you since that time applied for a renewal of a license or for another license?

Mr. GOULD. No; I have not.

Mr. ARENS. What is the nature of your work as a radio technician?

Mr. GOULD. Well, I work essentially in TV, television, as a studio engineer. Originally, the nature of my work—it is now the placing of microphones, perhaps, for the picking up of a show.

Mr. ARENS. Do you have access to radio or television transmitting equipment?

Mr. GOULD. No; I do not.

Mr. ARENS. Have you ever had that access in the course of your professional career?

Mr. GOULD. Yes; I have.

Mr. ARENS. Over what period of time did you have such access?

Mr. GOULD. Well, the last time I actually ever worked at the trade I would think was in the neighborhood of 10 years ago.

Mr. ARENS. Are you professionally equipped to operate or work on radio or television transmitting equipment?

Mr. GOULD. Well, it has been a long time since I ever did anything.

Mr. ARENS. Have you ever been denied a license by the Federal Communications Commission?

Mr. GOULD. No; I have not.

Mr. ARENS. Are you now or have you ever been a member of the Communist Party?

Mr. GOULD. I invoke my privileges under the fifth amendment of the Constitution of the United States and refuse to answer on the grounds that my answer may tend to incriminate me.

Mr. ARENS. Are you presently a member of the Communist Party?

Mr. GOULD. I refuse to answer on the same ground previously stated.

Mr. ARENS. Do you presently have information respecting the Communist operation and activity which you could reveal to this committee?

Mr. GOULD. I refuse to answer on the same ground as previously stated.

Mr. ARENS. Mr. Chairman, I respectfully suggest that will conclude the staff interrogation of this witness.

The CHAIRMAN. Mr. Gould, is there an association of people engaged in the type of work that you are engaged in?

Mr. GOULD. I am not sure I understand what you mean, sir.

The CHAIRMAN. Is there any organization, the membership of which is comprised of the people doing what you are doing?

Mr. GOULD. I belong to a trade union; yes, sir.

The CHAIRMAN. Are there members of that union who have access to radio sending and receiving equipment?

Mr. GOULD. Yes. Well, yes, the union would cover all the employees of the industry.

The CHAIRMAN. Are any of the members of that group members of the Communist Party?

Mr. GOULD. I refuse to answer on the same grounds as previously stated.

The CHAIRMAN. It seems to me your union ought to do a little looking around.

Is there anything further?

Mr. ARENS. No further questions of the staff.

Mr. DOYLE. Are you an officer of that union?

Mr. GOULD. No, sir.

Mr. DOYLE. Have you been?

Mr. GOULD. No, sir.

Mr. DOYLE. I wish to make this observation, Mr. Chairman.

Making allowance for the fact that maybe folks were members of the Communist Party, some of them heretofore, I do not understand, sir, how you are evidently in some position at present where you decline to answer whether or not you are now a member of the Communist Party. I do not understand how you can be in the position you are in and have to claim the privilege on that question.

(The witness conferred with his counsel.)

Mr. GOULD. On the advice of counsel—

Mr. DOYLE. I beg your pardon?

Mr. GOULD. Every answer to every question I have given has been on the advice of my counsel.

The CHAIRMAN. Well, I hope your counsel didn't get you into trouble.

Are there any further questions?

If not, the witness is excused. Call your next witness.

Mr. ARENS. There are no further witnesses for today, Mr. Chairman.

The CHAIRMAN. The committee now stands adjourned.

(Members of the committee present at time of adjournment: Representatives Walter, Doyle, and Johansen.)

(Whereupon, at 11 a.m. Wednesday, August 24, 1960, the committee adjourned, to reconvene at the call of the Chair.)

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